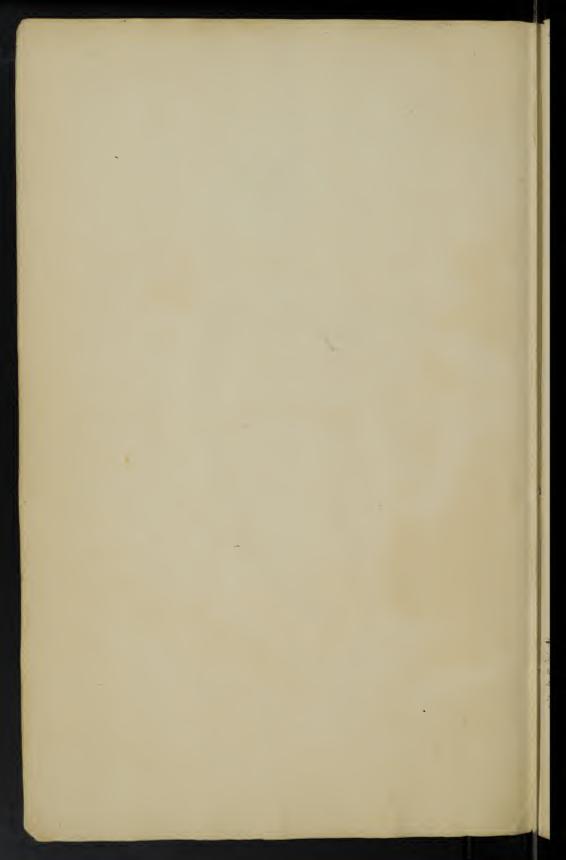


A fact ...



Ereculors & Administrators. No I.

Murch 19. 1821 ...



Las Nathins Exec : & clamin 3. tree 1 4 adm 14 are the remark latery of deceased persone for entain surhoses is as is the pursonal state, I as to that didies which a set the personal was steen . 2. 13%. VInd. 209. a. 2 Bac. 439. 9 Bac. 28. An exit is a representative at super appointed by the last will of the decrased. His duty, der is to create that last will , 2 36. 6. 509. be used it is sufficient, that the total intention to make such a person exect appears: 6.9. "I commit all my goods to the dispessition of A. & (Lovel, 1/7. Swint. 24). 2 Bl. 503. Godolph. 82: 3. Opt. 82: 8-12. Dy. 92. 16cm. 23 1. The appointment of an exect is openhal to the vistence of a will. 2 36. 563. P. lowd. 281. 13m. 11. 2 Box. 392. Todolph St. Wanter cap 1.): the Indeed, it constitutes a will -Ed disposition of personal property, in contemplation of death, not containing an appointment of an exect is called a lestament. Henter. 2. Lovel. 2. It has been called a codicil, in the civil law (3 Bac. 466. Godst hh. 27/ Pow. S. 23 - 4) Link gover in the disposition of the probably of the decent (Wenter . 2. lov. 2. 2 Bac. 392.) To, there may be a will, without a lescament - vice vered. doch 2, - office on instrum. having an extract making a testand dishosition be propy, istalled A testing dishouter of seal of the springer + Buty twood, will," is often used, to denote a tutamy Naming an exect is, by implication, a gift to him of the distantail kinds of 320/14 goods of the deceased - subject, however to pair lebbs, & of naming an excer makes a will 2 Bac. 392. Godolph. 82. Hentw. 3.

1. Exec & & dam 12 . X. I st her. At com law, a lestamentary disposition of lands, without naming an exect was called a will. In case of challets, called a testamento, at unte. , & Bac. 49%. 18no. 11 Contumentary disposition of lands, not now so delines. An admin : is a representative jut ante, p. 1.) a spointed ing law, thro its prover organ or minister. I bom. 25, 2 36. 496.1 - She is appointed only in three cases: I the no ex: is appointed - 2. Where he cannot act, is ex: 3. Where he will not act as such. Exec! Fredm " are smoodered, in a hancery, as trustees to those, who are entitled to the personal offects of the dec. (13.11.381. 3 Ath 526-7. Hence, the jurisdiction of charter in cases of mere personally, between or name as made in cases of mere personally, between or name. of him, legalus 46 3. Bac. 28. bot on yt. other. The heir is the person approximated by law to succeed to real estate on the death of lies areas of 2 136.20. + when not divised. I devise is the person entitled to real protection by the last destancentary appointment of a person ter. 3 Bac. 456. Godolph. 271. A legale is entitled to personal property by a similar approintment. Sid. 2 BC. 5/2. The nower of componer revoral estate is muchy that of huntery at safe except so far, at they the movered are entitled to it ut post - over wal whate on the in the have not, as such, any jower. I Bac. 392. It who I do for real estate was not originally, as turnenting Lovel 21. 21

Ex. It afile. · tree! may have the disposal of real estate like other persons by express appointment of teolator. retorning So, if lands are devised to be sold for payment of debts; the ex's the not expressly empowed to sell, Ly acrails will a considered, in chancery, as the juster person to will pro other being expressly on rovered 1. 1th. 420. be a sussin his But an admir as such, higs, in no case, any such jower. Neither of them hat, any right to the real estate in any case. is every the waith well to a jets in his hours. nte es: History Aci: is are broken beison, whenhe Seems, the how is the proper person wint, down I. 29%. (Pow. Dev. 209. Hev. 364 ... "Devises," 1ac 1-304. - jaleins Ist has been said, that, in bont on be whent the dec. as to both real thersonal property .- not correct: The idea seems to have arisen from the heirs not being liable, as such, to just ancestor's debts, I from the deels real property being liable, like personal, for all find debto! By & the have neither jus ad um, not justime rety not even busties of real estate, as of the They may have a may any stronger (1 Root, 10h) that intermeddling with real cotate does not make an ex: de son lot port, I'm ancestor's death, little to land, not devised; vests immediately in the hoirs. It must be in hair a rome 14 + where you int. I but it has been often decided that admit has it not you in that was that he cannot maintain of colony in Pending the settlement, even of insolvent estates, admit cannot main , ce hold. + for an injury to ye tain tree, raps - her must do it the he must account head est. In this case, with admir han the in this case, with admi: for the damager. Secided in N. St. bounds: The hoir, therefore, may recover the land immediately; & Orobate may still order a sale, afterward. Dickinson v. Whilllessy, of of P. 1798.)

4. Execte & Admi? ca. Lo frace. I deed of land sold under a power from Probate, bo exect signed by her, not as ex? I in which she is not named as such, nor the power counted whon, does not pass the interest (Most, 105.) - Such dud of les in ovidence, rejected, Stand v. Castle. S. C. Feb. 1802 ... Howa. 325. 3 Bar. 487. Honto. 27-29. La Litte. Such anifsion relieved against in Chancery ! 1 Roots 109 tire veleare to the to all J. burn Legater receives his legacy thro the en of Blowd. 525. with is wither in 3 Bre. 45%. Wanter. 27- 29. Dy. 254.) - Devisee to her propo = without the intervention of the ox? Lemention for Hoyde, if exi has the same authority over rule, as over personale estate ? The personal property is charged, in that with all the delle electivities of is sois to cred! debts by specially, I debts if record, only, Love. 92. 3 41. 432. The this and, dec ist 18-12/1) e It com's law, a rather, since the state, that in ?! rid part,) debts of record, as judg debts to wat water from the first day of the leven, in which, if I goods & a hallely, from the dale of the excet - Now, by stat: 29 ban They bind the lands (as ag ! bond fide pure haven only from the day, or which judg tis signed - 1the good It only from the delivery of the into to the officer of 3 th. 428-1. According to the old way judge bound land in the nands of the heir, from the time of the original writ, were haved. 13 Bico. 26. rost, 12.

ciril affact and the toler Specially enditors may resort to either the real or personal + of a dec? de to grante; by they come upor the personal, & it is not sufferin to discharge all the debts; the reditors by simple court are liable to love all. Their demands (as the case may be) + las ye com . canwithout any rome dy at law. Since they cannot take real estate, Have postponed to specially exeditors. Sovel. 93. 3 Bl. 430. 2 Ab. 377. But, in the last case, chancery will relieve the simple cont. creditors by letting them in won the real estate for so much as the succeedy creditors have taken of The personal property, and they the simple cont executors stand in the place of the specially reditors, as to so. much He wit suh ? Pow. ell. 3 77. Salt. 33. 2 Ch. Ca. 4.5. 1 kg. ba. eth. 44. The reciet is afforded by chancerys ordering a sale of the real property, in the hands of the heir, Same indulgence, in this to general Ecgertees dailists. - If the avails of the sail we insufficient, average is made. " The opinit of these this rules is adopted by our law; but our law subjects the whole resi estate, at all events, to simple cont. auditors, with the to these bu rund, is iteria cit. of oreditors in equal deque, he, who just obtains judg! agt ex: Hi is entitled to his whose demand, even to + in tres. The exclusion of the rest. 3 P. H. 101. i'm law as to insolvent estates has established a different ruie of And in ing! if one two creditors in equal deque has commenced a suit at law for thought a bill in bhy; as the rule now is) the exec? other (3 P. H. 401. Sall. 217. Bro. P. C. 287.

6. Exect & eddm " Cal Antalu! Lucillity in i lent to detate In ling's is land is devised to end for sugment of delles, the ext cannot for that reason, we seed at law in a cuditor, as having afsels. (1 Com. 401. 1 Poll. 920. 28.11: 40. I turn. 10th nor can be a compared, at law, to make sale of the land - Land not being considered as a wet in his hand so as to subject him at law. when heresy-But only will compare the ext to sell (I that, even the the devise is not to the ext; if it is not to any other just only) > a thet, what? 12 the 510 - orige meaning: Suffer to make cx. & liable joi debts of agains of testa. Ve. of afrets, there a several kinds: heal; i.e. such is descen to The hin, Imake him liable to met devit of the ances la & claims upon him, as bird his was estate. I das. 3 1 (om. 398. 3 . Mod. 254. 2 Bl. 244-302-346. 3 Lov. 286. Carth. 12 2. Personal - or a sels enter mains i. e such justifuly of dec. as comes to the cold as out, makes him liable to oreditors Hegates, 11 6om 399. 2 Bl. 510. 1155,118. e Again, a sels are ugai, or equitable legar are such, is go in a course of administration, i. o. according to the order or priority of debts - equilable are of in, as are distrib uted among all creditors, equally, provata. For ell. 125-129. The former bring regulation by we come law - y' latter, by your it aguite of redemption of a mortgage in the is eque table upicts; jo, at way, the whole is tale is or eited 3- Bac. 33. Ja, an equely of redemption, in case of any mortigage whether in fee a not is quelable afsets. But in

Afsets. case of a mortgage in fee, the mortge has no other than an equilable interest because there is no reversion - 1255.

But if lands in fee be mortgaged for years. The reversion in the mortgage is ligal afsets. And creditor may have judge agt heir of mortga of afsets quande accident. i. c. there is a stay of exect lith the reversion comes into profsession. Pow. ell. 123. I vem. 410. Saik. 354. 2 vem. 134. 2 esth. 294.

In Cont equity of redemption is legal assets. In the saik. Reversion expectant on the determination of an estate tail, ne assets. (3P. H. 235. Pow. . U. 443.

"Contravity in the authorities, as to the quality of apiets, arising from the sale of lands, devised to be sold, or directed to be sold, the not expressly devised, so the payment of debts whether they are legal, or equilable.

Execording to most of the older cases, money, arising from sale of land, devised to, or subject to the principle, that whatever comes to the trans of an exit as exit is legal afsets on the principle, that whatever comes to the trans of an exit as exit is legal afsets. (Idev. 224. Iland. 405. 1 Fern. 53. 2 56.116. 248-405. Pre. Ch. 124-136. 20. 11. 552-416. n. 10 81h. +20.

For the latest cases, some of the old ones considering the cot in this case, in the doubte character if cot thuster have availed themselves of the latter haracter Tholain the afsets equilable. Finch. 196. 2 very. 133-4.

Letth. 184. 2 16.50. 1 Bro. th. 140. n. 135. where Let. Shurlow write the case 10 4th. 420. Bow ell. 129. *

+ There care sum to have overwhed the old authorities.

8. Exect de dam so

by reason of the man 2 vern. 133- 4. 2 . Ath. St.

But it has been holden, that when lands, through charged with payme of debts 4. descend to the heir face not devised i. i. where the interest does not pass by the devises they are ligal assets (19. 11. 430... 256. 416... Pow. ell. 131. 2 c 4th. 293. 3 H. 630. Stra. 1270 3 Dac. 33.) For the state agt pand devises has given the specially excellers in such cases, an action of debt at law, aft the heir of obliger. 3 Bac. 27.

In conformity with the last rule it has been holden, that money, arising from a sale of land, winder a bare power to sell for payment of debts of should be ugal afsets because the land descends the descent is not boken. (letth. 484. 10. 11. 430.) Secus, if the interest passed by the derive, letth. 484. 3 St. 530.

Lands, descending to an heir are to be applied to the payme of bond belts, before land specifically devised can be taken - This note is reversed, where the lands are devised for the payment of debts. Be 4th 550.

Si dalkus

043. 5.

According to our law, as in this, simir cont. debts are not, as ouch, postproned to debts by Specially. He priority, pounded on any distinction between different securities, or evidences of debt: The there is a priority arising in certain cases, from the cause, or consideration, ent of which the debt grows, I from the propartie, or privilege of the creditor: ests in case of insiderant estates funcial charges; or last sickness; the the State.

Item: divide pro rata (Post)

by lestertor charges will, when the heir, conditions resolve to the personal jurid; or may come when the heir fe the amount. i.e. where testates intent to, that the jurisonary fund, shall not be diminished. Distinct from former mile, where pursuate fund is extraorded by bord and to some by bord and to severe to the his. The latter rule obtains, only when there is a difficiency of personal afort,

In bont real; as well as personal, estate is diable for neceded debts of the deceased - That the extraord and to receive land in payme. I Most, 9 5. - as well simp worth. With in the hour by privally the

In lig? The heir is snable (ut ante) for specially webs, to the amount of his a feet (13/ 218. The bes. But oblige may one ex: Hig he pleases 13. Bac. 25. Pleased, 4 41. 3 60. 12. the Jac. 450. 3 Lev. 189.

So, obliged may suc heir for part, & of for the other part, I shaw the steer sudge agt both, I has a value action from one, the other may be relieved by audita quenta.

10. Ex wb e ddme? ix . Hoter. alcolite of ren! En & adm " on bound by cont? of dec? the not named real of Fre the not named real of Bac. 143. Henter 117. inco 187. Felo. 103.) erept when, from the nation of the conti it must be performed, if at all, by testator in person. 2 Bac. 443. Co. Elis 553. Dy. H. - du Cort moien. Heir not bound, even in special conte of ancestor unless expire foly numed; because, according to the old francis law, no other property than goods chattels, annual profits of land not the land itself were liable to ex? on the personal coul? of the linantitime by thezales it it no Now, therefore, not liable except by express words). 3 Bd. 418. 2 H. 160 - 1. 3 Bac. 25- 29. 1 Vern. 180. Hlowd ++1. Flob. 60. 2 Bac, 3.28-9. 2 Roll. 492. Deblow bedy not inginedly liable to ex? 2 Bar. 32 19. In action up & heir necessary to allege I have, that ances bound him, Rob. Stat. In 206. . 2 Saund. 136. + i.c. y. he way named in nit cont. L And ever when the him is bound or rather when the obligation descends to the land, his body cannot be taken in ext The ext is ag to the land only. I Breiz 1 Ans. 103-290. Dy. 81. pt. 62-20% pl. 16. Moon, pl, 253. The land is appraised to creditor not in fee, but till the issues & projets should discharge the debt. Now? As, Sand liable in the hands of the him, because, otherwise the action of debt allowed at com? law ag to the heir, would be welfs. [2 Bac. 329. 3 Bo. 12. a. bro. fac. 450. Plowd. 441.) This is the only instance, in which land could be taken in extra forthern in personal actions, at, law. 12 Bac. 328 - 9. 3 86.25. 3 60. 12. a. 2036. 180-1. 3 96. 48. i. a. in behalf of a subject. - King might always take land in or in default of personal affects. 2 Bac. 329. Plowed. AAL. 3 bo. H., - . a tit in contien, 4.5

2: 1 e f. l. ... ainvilition 264 + 2 cal & bizzon · Land of the debtor, while in his own hands, first much liable five half of them is en for debt He by stat. Westing 2. 13 Este 1. by eligit. - Same year stat. de mercatoribus was paised, enabling debtor to predge all his land by a recognizance, in nature of a vivum vadium 2 Bb. 160. 1. 3 86. 418. 2 Bac. 329. 2 Mill. 475. 11xth, 7. This gave the can sa (3 Bac. 324. 1. 14. Ex to I adm's are oned, on the conting of the deck only in the delinet - not in the debet: Because they are liable, + individe capacity,

but as tienters.

not in their own with They do not one. 2 Bac. h. 3., 8 be. 159. Sid. 379. Charging in the debit & detinet. now and by verdict, under stat. 10 17 Car. 2. 2 Bac. in. 2.

+ TI NE . LALLE LES dunbuch.

" Exception where the ext & is personally walls as he may be in certain cases: C. S. for rent preming on a leave for years, after testator death for here he is charged on his own popor. Here the testator to was nover indebted. (2 Bac. 4 43. Jalk. 297, pt. 8. 1808. 663. Co. Plix. 711. Me. 566. Cro. J. All 546. Cro. Can. 225. Tellad. 186 . _ Part

Ex: A cham: 12. Erec w &c formes xiability of rin to he is changeable in the debet He in case of devastaring 2 Bac. 444. 1 Fid. 398. 1Roll. 603. ; i. c. after judg to agt 24 m / 4 /2 1 1 1 4 . 1. hom as on to 5 to, 32. 1 Vent. 315 321.) de bonis testatas ha he shall not be charged with a devastavit on mere surmise - 155, 122-4. Him must be sued in the debet & delinet vicanse be + are held #not has afsets in his our right. If the debt descends with as heestie; but the land 13 Bac. 29. 5 60. 36. a. Oloved. 440. Dy. 3 4. ju. o 1 dev. 130. ho. Elia. 712. 18. 11. 776; Charging him in the detinet only, cured by verdict, under stat 16 617. Car. 2 3 Bac. 29. into 4. It com? law, the his could depeat the specially creditor by aliening the land, before action brought (3 Bac. 26 1. Ins. 102 (But if he aliened after the writ purchased, . or lill filed in B. R. the land was liable in the hands of the purchaser - judge had relation to the time of punchasing the original, or filing bill in Ps. (3 Bac. 26. Carth. 245. Tollad, 253.) To that judge. age heir binds the land by retrastreat not so in case of judge age the anasta the) Thou by state of state of the first in case of such an alienation, before action is liable as the action, is liable, as is, his whate, to the value of the land sold - But the land sold is not liable in the hand. of a bond fide purchaser of Bac. 26. 1 Eg. Ca. 149. 10.W. 747 1- If the heir alience after action brought, is the well as at com? law? Sunt so. 3 Bac. 26. + Note bond by a not himself bound . & B. I cove to take its un ap-man, y his is stall mentice, and that his ex shall hay \$10. Hed, that a time of many line agt or for the \$10. [2 Buc. +43. bio. Clis. 232. a time of many to his agt or for the \$10. [2 Buc. +43. bio. Clis. 232. Histories wife in Su. 15/ 144. Jun 1383. & J. 1 283.

in defile. a cutility of 26 4 ! 26 06 1 1200122 5 Hormerly, lands devised were not liable in hands of devisee, to be taken by bond-orditors. the The orditor nad no remedy, at law, nor in equity (3 Bac. 27. 16. 6. 1. 149. 2 36.378.386.430. Now, by stat. Ith. irm ell. devises of land we world away to bord reditors. 3 Buc. 27. 2 86. 3 78.) And the bond creditor may have debt ag to the deviver the heir both & rg! them jointly (3Bac. 27. 18, 6. ct. 325 pl. g. Gare the Service to Sued, unlife the heir is joined Esp. 248. - Dow. M. 399. 204th 125- 433. Pow. 2.473. 18 14. 29 .. - Devises, But a devise to payme of debts for raising portion paryounger shieten) is not within the stat. Tuch derives are good Thous oreditors carmed defeat them - They are haid only like other ereditor - pari palow. 3 Bac. 27:8. 10. 1. 436- 176. n. 3 . 4th. 630. The heir of an heir is liable for the bond dobts of the latters anecstor, but The second him is wabie in no and I supposed souther than the first heir had ands not do far, Jourpese unter he the 2. heir has a jet of equal amount from the first & Bac. 28. 2 6h. Ga. 175. 11en. 416. Dy. 344.

(to this year is a strong cone debts of heirs arecover- For the her himself is liable for the form only in respect of the land, his person is not a hanger.

(Blace 28.) But it is raid, that if heir account the land, to depat occitions, by well pollow the more into the hands of the of the heir Dac. 28. 286. 396. The has 57.

14. Exces & Adm to in totain Line dilita 244: icat Abrilia. Hier as such, not liable, in come to pay any debts of his anciste (but if no remedy can be find agt with the friend agt with the principle, that a his. will husur the agree of a parts, whether they are 2 the 2.43. Them of Bac. 25. 286.39 6. 2 vin 75. 1 Com. 206.) His mugney) i vinice to vaid by ran or buch, in pariset in youther; I they are paid funder this order) by ex or with. I Steins, as such; are liable in bourn, at law, on ancester's or! to warrants " second to the decisions, which have raped sub sitentia) of seisin. In whether he can be liable in the latter case, consistently with the decision in Sylv & v. Diffany & My Stoles, he 14, n. 1 - for the breach accuses in ancestors afe-time; en seems the proper person. I've in these cases is also tiable - on bourds or him is not liable at law the named. All persons who can make will, of which wet prome The may a an it. others may be ext , Lovela 155. Paran of almost all description may be or & - 8.9. A villein. 1 60m. 235- Co. L. 124. Wenter 23. 2 Buc. 275. To, an infant may be er? [2 Bac. 37" dovel. 135. Godolph 10. Hentro. 208. inf in vente so more // Com. 235. 2 Bac. 377. Exix A.7 Wenter . 26%. one appoint an in ant in vente & er; the mother be · / mlo? delivered at two, or more; they are all one; 2 Bac. 377. Godolph Foll355 + cit 102. Iten tw. 219 .. Vid. Parent thila Intant cannot act as ex till 19 3000c. 121. Menter. 218-14. Souldfich. 12. 2 Bac. 3514 Sill he allains this yes, admi-1 1 1 to 1 5 0 3 5 Last 1 2 ... Les tie derrante minoritate appointed, 186. 250. Lovel. 185. 5 60. 29. Contilled in the surface of 180. 185. 5 60. 29. Contilled in the surface of the surface 1. 3. 5 4 T 12 2 4 2 Bac. 38h - It such an admit port -) Fouth 76. Cust All 21.

Ja: Lefine The may be in infrants. Regularly, acts of int! est under If we not bending 12 Bac + 21 in station 37%. Wenter 213. 14. Godolfer 113) E. J. Ile cannot sell hodaleste goods, cannot afsent to a legary. 2 Bac. 27%. Wenter. 213. H. 15 oubl. 76. 5 60. 29. 6.) [And even after 17, not bound by about to a legacy, unlife he has afsets to pay detts.

[2. 25. 37. 15 onbl. 76. 16h. tr. 25] - Not bound by receiving debts 2 Bac. 37%. Wenter. 217. - 7.26. 355 - mid til. + tile 17. (ill 21, by : La. + 38 2 io. 3.) Infant ex cannot sell testator's leave to gran, even to the sure the pay debts, if undary, 12 Bac. 3/7. 19 Al. 730.) - But it has son, but big order been holden, that are under 17. may sell goods to pay and debts. 12 Bac. 377 6. 660 201 2 debto. 2 Bac. 37%. ho Blix 25h. 200. a way other person by his order In.) Contrary to the gon! wile 2001. 503. Lovela. 155. + but het, therein done according to the office I duly of a T. 2 Bac. 37%. Wentw. 215-16-309. Coro. Car. 490. 3 60.27. Me. 146-852. 1 Com. 249. - ellay discharge a debt, on raym. 560.27.6. Hentw. 310.1- But see Stat. 38 410.3 (87) But an infant ex? if 1% or after, is not bound by any acts to his prejudice; E. If he gives an acquillance, or relieve, without according rays. To it he apout to a legacy at sup? when he has not after a pay debt; for in they was it house it house to a legacy there cases, if bound, he would be subjected to a severe tavit . 2 Bac. 3 / 8. Gr. Olis. 671. 18no. 192. a. 1 knote 285. 160m. 249. Mod you wit. 1. 1. 7. 5.0.27. 1.0.2.4 20. So, if he gives a release for more than he received; it is not binding as to the except (1 born. 249. Mo. 146. 5 60.27.6. - These acts are not done "according to his office I duty" as cx 7. 12 Bac. 3/8. Foll. Dr6- 500.2- Loria 12 Liting 4. E. J. Ex. 2 55

16. Exec & Set om ? - I. defini And the hart if 21. Them. 328. I South y 6 = 7. I bom. 249. receiving the principal entry the weeks is no bar at law, to an action per the renaity. / 160m. 249. 2 Bac, 3, 1- 2011. 734. 610. Car. "Inte ex: Ho'ly years of age, when sued, must afrea Le farent by quardian, tike other in to or it is error cannot Lizin, 10. make an alloney 12 Bic. 3 78. 3 %. 150. 1 Noll. 287. Poph. 130. tie. Sac. 121 4th. - Fron he has no remedy ag attorney for mispleading, or, it is said, on neglect but ug . quardian, he has 3 Bac. 151. Paim. 229. 610, 10. 64. rolled orgo) - oce incention wild the 10. · But if int ext sues, asor ! to allorny, Incovers indy! it is not enoncous; In he sues in water troit; the judy ! is for his benefit. 3 Bac. 15t. Poph. 131. Go. tac. 441. "It an inft admi sus by all to daid to be error, the" judg to is for him. 1 3 Bac. 156. 3 Bulst. 180. -10001.288. Gre. 6 liz. 54/ contra. distinction probably founded on the mile, that nom? cannot act till 2%. I an inthe to adult are or 2; they may both one by att to the adult man make an about for the in want. 3 3 ac. 15%. 1. 241. 288. On Eliz. 378. Carth. 124. 182 102. 1. Mod. +7-72-290. Id. Ray. 232-600-1449. Tha. 784.)-But if they are sund in the most ablear by quarties 3. 3 ac. 15%. It. 318. 3 Mod 235. That you Alette in the we voice propries, in which he has no remedy ag & all. but ag a quardian he has ut on a but int ples is not liable over for costs. Tha. 784. 3Bac. 150=1. 1. Roll. 28

En . + ef. Ling for hieros 23 A september duntit Nay our stab, an infant may make will there inc. Vid. Count Thuld must river bond; (inc omerce, or have did not give bond) Stat. 6. 168. - No stat. or proper ma bling in the of 14 to be on in Count - theo weeks: En un in toum time time by with a Bre 21 Fort. 35 8 Fult. I fine covert may be a succording to the law of the spiritual courts, i. o the canon law, stee is considered as a feme sole, capable of seeing & being sued alone, I of taking whon howelf the of fice of out without consent of husband) 2 Buc. 378. Hender. 202-281-291. Godolph. 110. 1 Gom. 235. But by the com. law, wife cannot lake when hower the if it without husbands consent. I Sais. 3/8.4. Ander. 117. Horte. 203. 1 = On ling. the con & low contras The spiritual courts in this respect) + (x Therefore, it husband difsents; she count wet - 14 ig the spiritual court would combot her to accept; a prohibition will be ifreed & Bac. 378. Hention 263. fof on the right to referse the office post, So on the other hund, the wills consent is mergange ship when her, by her husbands consent of nor own tall if the husbands actually administers, the bound by his nots during covertine; the cannot

18. Execu y. Adm 2 La tattu: The may be En plead ne unques in 1/2 Bac. 378. Godolph. 110) alter since box! The might which you how accountaint) as in auton tothe do, if wife administers, without husband's consent, & xclion is trought ag . them; they are estopped to plea that she was never ext (2 Bu 398, Godolph. 110.) In the ment in her net, sain ext or her notice - Na trongfort intermediating will make her into the saint " If fome sole be named or I I merries, before she intermedalis with the ort; I get the husband admin isters; this is such an acceptance, as will being her "I she can never oftenands reluse it ", 2 Bac. 3/8. Godows 110. 2 w. not after cov. The is, probably, supposed, by the rule, not to have is sented. in Just to wife of feme on en & may without husbunds consent, it is said make a wist or rather, a lestament) of she h good as she has as ex? 12 Bac. 275. Hentungly 5. 9. Godolfin. 110. 1 2. Brig. 19. Moll. 608. 14 llod. 211-12. com Hat husbands consent, before or afth, is necessary, But it seems not disputed, that he as of may make In ex of the goods she holds as ent is Backy Me. 430. 2 And, 92. 1Roll. 808-912. The seems they seems you him a beginning the man him a seem of the seems of the se (3nt this rule belongs to mother hear, viz "The may make

The King. The king by the ling! law, may sea or But he may nominate others to take whom them the exect of the hust; They may be sued as representatives is the Seed, I tom. 2 95. 2 Bac. 37 4. 4 Sns. 335. Todat. 76. i ven nelit. Corporations aggregate cannot be ex. Hatte 415. and 1. Because it is a body, formed to special purposes.

2. Earnot take the oath reg? for the durate is the office.

Sfle (Id. Pay 363. 1 Com. 235. 2 Bic. 375. Mentio.)

17-25.) The latter reason is the substantial office.

they may be, 42. Then we are, by their we relies-Con vorations will innered foil 30-1. 1 Rally s. Thin. S. + tours must Take yt rath like itus accepysteen agreest, A sole corporation may be ex? because it may take the oath. Sololph. 85. 2 Bac. 375. finb. 113. 28.10 Wha afer! Delinquents. According to the civil & canon law a postated, Hailors, felons, outlaws Fothers could not be on. 19 Godolph . 85. 2 Bac. 3 /5. Hon Fre. 17, Fort 32. By the Eng! law, no person is disabled from being + (in vien hord) an ext, by public offiness up . the civil law. & G. Outlaws Thersons attainted may be on " Because They claim, Isu, in auter droit: (2 Bat. 3 / 5. 60 d. 125. 12 ms. 128. 1 Rdl. 9/4. 1 Vern. 184.) But they cannot make wills: For their goods are offited. (2 Bl. 499. Pland. 26h. + 12.1.3. Powons excommunicated cannot be er! being excluded from the Church, they cannot dis one of the goods of the dece in pies usus. 12 Bac. 9/5. 1 And 134. Gods (ph. 85.) - This is the only instance (ount,) of disqualification orising, by the bugh low, 12 delicte - 1/2 have nothing to do with excommenica tion, I such is no disqualification arising an

casychius. 20. Ex 23 & ddm 1 Who may be Ex 5, By the Eng! law, an also may be as of a some son In respect of sountry. The activity is hation in dispositions of leases, as well as of movables; because he holds in auto droit. · Secus, by the civil law, except in case of military lestaments, which are governed by the jus gentum. to be able! Whether are alien enemy ex com muintain actions me not agrew. (2 Bret 375. b. Co. 6. 142 683. . Mo. 431. Thin . 340. andthe or is protected by a forenemental license (Pell 32. Co 2. 182. a. Sat 45: , a. R. 282). Mile, he cannot opper types + 2x - 1 3h on our counts, or country. by the ing the Solids Tunalies are imapable Idicts. 7 must, - we were they ever determine who the to conduct the 12 3ac. 376. Fordolph. 86. So, if an ext become non compas, admit may be committed to another, (2 miles) b. Sack) 6. Prerogative Court cannot repeat to grant wetate to any favor, recause he is non, or insolvent. For he Value Hiroumstances. derived his authority from the lestato. 12. Buc. 3/6. Jats 36-244. Ourth 157. Ld. Ray. 361. 1. 1. 25. Tel. 32 to can the morgative (in the spiritual) court demand "caution" i.e security) of the cott on proving the will: Since the testator required none (2 Bac. 376. Carth 15).
Win 359. It is 1 Show 293. In bon! all or " in hether poor or not, must give

, security for the discharge of their sury formerly not so. Latin 4 who way reflat. 6. 16/ . 6, old er) But the considering of as trustee will consider him, tite all other busters, to your warity if in selvent. (2 Bac. 377. barth. 458. 1 thow. 294. 2 him 249. 6x 1. 18 0do, where the of the net insolved, is wasting the affects this will oblige him to give security, 3 Buc. 37%. than. 6a. 121. to, on a suggestion of insolveny, in the well ader the debtas of testa not to pay the at pendente like 12 Bac. 377. 1. thu. ba. 75. All juvons not disqualified, may be admis Who may be e ddm? I person cannot get as admir till 21. - for he cannot give bond to the ordinary, as an admi. must. 3 Bac. 121. 2 Bre. 391. Levela . S. turth . 146. J. 2d. May. 338. Salk. 39. 5 Mod. 395. 12 Mod. 144 301. The right to alm's may aevolve on an infant, as next of his rost !- but he cannot administer tell 21, 2 Bac. Ost. 5 is. 29.) - It seems surper to my, that an infant the in a purson under by named or the is or? ly appoint! until to take to tato. In prose in more on hi wingers. (post, 44.)

ix of cfting 22 thee y de dam " in may be Admi Some covert Secretaries may, with mustands as next of kin. 12 3ac. 412) me Till I find no 10. 2 2 2.07 disqualification, as in ease of infants there is the in in perable also non sudge the that the 'count in frantflerice to there in equition the form 2. 1-72.1. Lie may be tom. 249 2.02. man in alecter by it unly she is about or + His much six Time out There are meret touch a decise . Thethe, Tilled you and Aura 3 2. 241. im Februar 2. 14, 75. Sal. 21. · . 2 1266 calone c. C. to principle in h. If pome sole or! mannes: husband is liable during covertine, for her arts committed tichore. coverture, over to a devastavit. [1Bac. 293. Go. Car. 683. 1900. 331. ello. 761. Go. 6. 208 227-458. 1 Sid. 937. - the act the content of the fire the to the At law, husband, in the East case, is bound during coverture only But in equity, creditors may collow the a sels into the hands of the husband, alla wifes weath. [1 Bat 293. 16th. Ga. 80. the ext of the heartand, 1 12m. 209.] - day not legation mext of kin also jursue the affects in cycity !) For Long they cannot take the cath, Stat. & 103. Dosport vole, Isuppost, may be, as in case of en to (ante) An excommunicate cannot be active, for he cannot dispose of the goods in pios usus. [2 Bac. 375. 1901. 134... Godolph. 85.) To such will here. I An outlan may be admit for he acts in autor droit, Its may sue (3 Bac. 762. 18ms. 128. So, I mesume, a felon attainted, is in case of executors hip - same reason 2 Buc. 375. Roll. 914. 10cm. 184.

Who may be alon ix . H - Exilus So, an alien may be admir as well as or the rule que supra. 2 Bro. 375. At Her lw. 17.) - 20 as to an alien entirmy as in executorship (aute 20. 10. 142- 683. Mo. 431. Thim. 378. 2 Bro. 375.6. I diots & lunatics cannot be adm ! 2 Bue. 3'y 6. Godolfich. 86. " (The breach a wind and in the in free was origin of Il has been said, that " (i. disposal) of e d'un w The goods of intestales, belonger originally, in this to the spiritual courts. 1 Lev. 158-9-186. 7. Sack. 37. 2 Bac. 39%.) But y' sums incorrect. According to other books, the king was contitled, by the old law, to seem upon the good of all inhostates, as parens patrice, Son trastice, Ito dispose of them 9 60.38. 2 Bl. 494. 2 Bac 39%. . Lecording to celden, the care reisposal of in testalis your bolonger to his Lord ic. the lose of the mano (160m, 25%. 2 Bac, 39%. It The jurisdiction of the cocke-scastics, in testan entary mallors, mullers of adm in is said to have corn menced in the lime of rich. 2. 2 Bac. 397. 8. 1 (one, 25%. Afterward, it seems, that the crown in rested the prelates with this tranch of president 2 Bt. 494. 1 Com, 25%. Perh. S. 486. 1 Eq. Ca 266.) - except so par as it had been previously grantes as a franchise, to lords of manors 4.12 Bl. +94. 9 60. 3%.

24. Exec : retdm " Exit Arms. Origin of Admin The bishop, in recising this authority, disposes of the intestale in pies was a, trake his hust. 2 BC.4 9h. Sinch. 2.173. 4. How. 277. This power of the ordinary drew after it that of the nobale of wills: - it being thought reasonable, that the will should be proved to the satisfaction of him, where right of distributing the goods of ded. was superseded by it 2 Bl. 494. in cu. of intestacy, The ordinary not being accountable to any one, did is he pleased, with the whole that remained, after remeding the rationabiles hartes, a the 2/3 of the widow & abildion. (2 H. hgs.) Thor, wring the early periors to the product system in ling? a man having use I children, could bequeath only 3 of his challets. admir cotton extended to no much. the indicate has he had no wife, or no children; has was at right within his disposal? If he had no wife nor children; he right with four hole post; I adm the was extended half co-certinaire with his right of disposal. 2 31. 49th. tin.a.a. 1495. Such. B. 122., - in course, in one dech it congres the an new chillient out is had (Halistora of the cont The ordinary was not bound to pay ver the debto of intestate (Ray 17.) But when a will was made the x? was renays bound to pay testator's debts to the extent of apost. Send (2 31. hg 5:): For my! ca. y' ordinary, right of aightoral (where discretionary), ling it resteded. There the law shood thus, he adinary desposed of the goods of the intestate, in person - did not appoint others. 2. 36. 495-6.

Ex & F Forms Origin of Adm 20 The first check given to the power of the ordinary was Foll. # 82 / av. by stat. Histon . 2. 13 Blw. 1. 5 Mod. 247. 1165.7. Comb. 378. This stat, obliged the ordinary to pay the delle of ye intestate, to the extent of affects; asex " were be for - (bliged to do. (2 136.495. 2 Bac. 398.) It gave orditors an action ay! him . 160m 259. 2 Bac. 413. 1 hrs. 133. 1Roll. 4000) - This stat. is said to bein of firmance of the com? law. 1560 83. a. 9 60, 39. 6. If Com. 257.)- 2u. What com law? Where is it to be found? (2 Bl. 495. 2 Bac. 413. Roy. 497. I he stat. Westin ? 2. Still left the surplus, after payme of dobts, to the disposal of the ordinary.

2 36. 495. - The abuse of this remaining power occasioned another interposition of legislature. And A stat. was made 31 Edw. 3) onacting, that in case of intestacy, the ordinary should depute the "next & "most lawful priends" of the intestate, to administer & (2 th. 496. 2 Bac. 414. I tom. 258. Lowela. 2. May 498.

- This state is the origin of admir! (i.e. officers of the ordinary, officers if prointed by the presonal property to whosest the intestate as to personal property to prior ante, 12.) It admir existed at cons. Crass of the original property to the constant of the presonal property to the presonal property to the constant of the present the constant of the present of the a appeare info bank . () St. 36. 579. arg . 1 Roll R. 105-6. 05 to. 82. t. . Be fore this stat ordinaries had veyon to appoint others to act in their stead; but these could not new nor be such 2 Bac. 413. 1 Ins. 133. 1 Roll. 916. Ray. 497:0) being more servants on attornies, to the asing 12. 11.8.

ix. Mathen! 26. Exce to Ham? Origin of Adm 2 This Hat. It ldw. 3) enabled siter appointed under it to fee, so receif of dells due to dec. It. as er's might. If he siched them to actions by evidences, as ly stat.) That 2. 12 31. 496. 2 Bac 414. But this stat . did not of lige adm " to distribute The surplus, after paying debts. (2 Bt. 515. Godolph. 253. 4. 1 Lev. 233. Cart. 125. 2 P. 11. 14/1) found, post IP. H. S. Lest to 4 - This was a struct 2000 , web - 22 823 car. 2. 124, 104. Admi by whom ling. There we the right of proving wills by administering, the dect goods, may have originally usided The right of granting assor; as well as of granting metals of wills, now clearly belongs, forcept in contain special cases), to the spiritual courts in eng. [2 Bac. 398. Vay. 405.6. 1 Sid 359. 2 36. 199. 5. Mall. 906. Vay. 497. granted! + " LC 1200 LL 13 lere to sterlin beli galece Sack. 37. 2 Bas. 402 - And a will cannot be given 25, suiter, h in evidence in a court of com? law, to prove title to Mis Cum stool personal property, till it has been proves in the 1-120 JE- 112 Solue Ecclesiastical court . (Long. 681.) - Deces of a devise. . Tatis, dure - (Dow. 2. 400 you. At 127): he broke of it is musty, 7 atis - - 3- 02 -Ho'it have be hourd, in thy - (Lecises, thani 25 yc. For real proper was not out if testamente, hence no hughing with how, of heaving a tive It has bur said that the ring is supreme ordinary of the kingdom, Las such, may But the right of the king has been sina denied. But, if a person dies intestale, having no kindred, the practice is for the king to grant admit by letters patent the ordinary admits the naturale to admit This admission is said however, not to be de jure, but from country or respect. The ordinary may, in such cases dis pose of the good in pies upus 2 Mic

Adm to by whom granted. Language, in this case, to appoint an adm? (2 Bb. 495.6-515.) 6. 9. Gase of a bastard intestan XX LEGITTING 2 BC. 305. Sack. 37. 3 P. W. 33. \ the king, accord he hi coile, to usage, is entitled to his goods. For the intits in nor litte. such ca., hains next friend" i.e. no kindred, in law. In certain cases, courts buron have by immeme rial custom the right to grant admin throng wills; but in no other way. (2 Bre. 402. Hentro 13. Jatk. 11. " In Com. The granting of adm" proces within the jurisdiction of probate. In admirate. pointed in a neighboring flate, in which intertale flate, may fee to rective his of tools in this flate, Mich. 276.) Secus in Conf. 2 12. 33. 6. 25. 1.H. Bl. 154-677 684 690. 3 P. 11. 371. another: The letters vering of no west day, ent * A1: - 1 of ye stare, where an are test 12 12.35 . This in the card and 134 2 4. Bt 400. Ambl. 25, 1.4. Bl. 154. 177.034. 54. 3 P. v. 371. 3- Distint a dreit fruit be tuken here. (4 Day 8 . 90 3 ch . 4.) - to hela a lex obite / 4 day 90 200. Let. by state 3/ Edw. 3, and) the ordinary is to grant before then + If ho are ontiadmin to the "next Imost lawful priends" of the thed to e tilm? dec. intestate. 16om. 261. These words have 2. 5. 3. been construed to mean the "next is bleek," who st. 29002 Hel it seems to have been always holden. That a the country of the state of the 18:10:44. 0 ligi 246. The state is recommended in interest 5.25.

2 3 5.5. 26:00 to the state is 18:400 to 22. 622-il. 2. There of your state of the state of the

28. En w He dam ! Lacita Chin: Who are entitled to Admin If there were several next priends (i. c. prients) into gual degree the ordinary neight, " particle select the most fit if them ray 49 8. Ent 80): But my! rointy or relinion and not the agrees. The power of the ordinary was enlarged by stat. 21 Hen. 8. which actows him to grant admir to widow, or next of kin; " a both; I when two a more are in the fame degree, gives him nower to appoint which he pleases. " "Hort pierd," I "next of kin" seem to Ans. 73,11514.275 have been considered, as synonymous, except that The hurband (the mideri) was included in the first words 2 36. 496. 2 Bac 414. Lovela. 2. 16om. 20%) This seems to have been consider , in dome measure, as explanatory of 31 Color. 3, the it gave the power of proporting the next of king to the wife, or of joining them. At the body there are now the subject of the line on the subject of the land of 2 200 49 00 interest wind there they wante , 31. 40 5. St. 2. 52. acres. 2. This Stat does not feem to give the adm" to the Simoband on the wife's death; but he has always been holden entitled Lovela. 2. 2 Bl. 504. 19. 11. 381. Adm were still not found to distribute to the kindred of the book the' there has been some controversy on this point (2 Al. 515. 8 80.135. Goddlph. 253. 4. 1 Lov. 233. 2 P. W. 447.) - But, how, by stat. of distributions, (22 923 Car. 2), adm? are obliged to distribute But husbands, admi of their works wives, are, by 29 Car. 2. declared + tan then how not to be wether g. 1. 2. 4. 2.3 Car. 2. (2 Bl. 515. For bound to disty this post, is of which holotest -Hence

If the world dies before down taken; his representatives in the and or work will to Who are entitled to e tom. 4.05.600-4. entitled to adm" on his wife's estate to the exclusion of "rest of kin", in equity. I the arina.

ny is faid by South to be confellable thus to grant it. (South, 2-3., 2 Bl. 304. 3 etth. 526. tir has been Lila, 18.11.381-2.) [stubt: is ever called "next y kin" in one of two cases (18.11.381.]- But it is now held a her mixt of him her the titter to wom" hoy " wards of y state 31 how 3. but it they are still kienter, in car, for husbands or 1 st. Folt. 1. 5. 4 1 Ser. E. 2. 2 35:1 If wife, ext. to another person, vies; adm? + at her death, the good, which the tas as ext, goes not to her husband, but to the next of him to her lista: / Lovela. 3. 3 Jack. 21.) Ja si y binificial intto was not in her; he has no contin to you His power, flowing from hus, wenes wit hors. By the ftal: 31 Edw. 3. & 21 Hen. 8. the ordinary is compellable to grant atm" of husbands effects to the "vidow, or next of hir;" but he may grant to cither, at his election; or to both (Lovela. 3. 2 Bl. 496-504. Jack. 36. . tra . 552. 1 Com. 261. Ray. 93. 10 how. 351. 1Penn. 315.). - Where intertate leaves no wife, aon ques to next & him. Among kindred, these in the reasest deque are preferres. But may take which he pleases. (Lovela. 4. 2 Bl. 504 496. Ray. 498. walk 38 38 .. This is a gen! rule rexcuptions, rost. Admir when granted to two or more may always be joint; I, in forme exists, formal. - Sort about + Victor if adming of it who is and for the son on the stand of the son on more: This they from the son of the may always be granted, of feveral parts of the good. 60% admir of one part to wife; of another, to next of kin; as children, parents, both is It Sovela 4. 1 Holl. 908. 1 Show 301 351. _ Post 42.

36. Ex 20 9. Hom 20 it toffen! Who are entitled But of an entire thing, (as a bond for & 100), to Admin feveral admire cannot be granted. If two are appointed, they must be jointly appointed. (Lovela. 4. Salk. 36. 1 Sid. 100.): Har che there in dentach usof ye wice it sett. whentitte to worn, Frit. 88-90. The degrees of kindred are computed according to the civil law not of the curron, or cours law therefor, children are preferred to pounts. (for accord, to the civil law the computation is pour the dec as terminus in a que, I see not assend among claimants, but in a que, I see not assend among claimants, but in affect a children? It both one in equal degree, 2 Bac. 115. 2 31.364. Lovela. 4. Todolph. 253. 2 Van. 125.) to the same is the second in their the Children 3. Parents 3. bothers 4. pand 14th 1563. 1061.00.2/34.004 + among kinded, + L.E. y! Lather (or y intersity fathers # (A Lath Pro. Ch. 327. 19. W. Al. 1. 4th. 435. 3 Sb. 762.) - for ales we entitled equally with males in the Jame degrot. 12 30. 304: 5. Sovela. 4. 5086. 9. Com to 621-114; 21 120t 11. Michiler from the + except in y ca of parents to y intestate. the halt hougher is referred these : and y willow is on a forting with fait last these : and y willow it sheet by y's with s, I mothing side, are equality entitled gold gr. 18 1: 53. In computing the degrees, propinguity, not quarting entitled with the whole , 2.36. 505. Went. 316-323-125. My Jan Foll of Mer 43- 1 Bisos; Est Brother of yo half blood before under ofy whole 26, brother ofy; half, "Do the claims of the next of kin, or next piend, (as for, daughter, brother, fister to) extend to Their more distant hindred, than their purents? The state I believe, do not mention representatives, nor do the books generally, as Al. Levela, your offen. of. But it jurns, according to one until, that under flat. 31 thu. 3. The right of representation does obtain, us in distributions. (Ray, 498. 1.6. 2 Bac. 4/4.) - 2u. 1. The order under 31 Polow I is juid to have been; 1. Thursband, or wife; 2. Children, Their representatives. 3. parents, 4 brothers or fisters &their representatives H. (May 19 5. p. du. as to representatives.

Ext of africe! Who are entitled to e Admir. If none of the francister just mentioned fe . hust? mooned to a conse evisor, next of kind will accept; a creditor may, by custom is admir in tring! - He is the next claiment. Frederic E (2 Bb. 315. Lovela. S. Jalk. 38. by you a by to such discrete hand a he approved to 131. 50 5. More 278. 12 of he for you had Educe 3, 2/2505 doral. S. accorded to usage, appoints, or tather, recommender alk. 3%. and I the ordinary appoints, of course & and 584. Han ext refuser of must be quanted. But in this case aunt to frantist the flat of lide 3. 9 21 Hen 8. do not govern the ordinary experience of the may grant admin to the residuary legale, in exclusion the de to the society legale, in exclusion the de to the society legale, in exclusion the de to the society legale. + chim testam? by 15 at. 21 H.8 of the next of him. 12 BC. 365. 11'ent. 219. 2 Bac. 386. hit. 281. # For they statt ex - So, fital. 21 Hen. 8. requires it to be given to next of him, tend only, to call of the on the presumption, that the deci intended to prefer Lescacy. him : But here the presumption is not to the rase. due is given to another. But may ordinary appoint any other than residuary legate, unties he were disquale fied? femb. wet for the sufer forth given Ste may 2 Stra. 956. Suppose testar died intestate as to port i.c. no residuary legate appointed; next of him would be entitled; I presume to, as to this part, the case does not differ from com? cafes of intertucy. /2 Bac. 386. Dy. 372. Thow. 2 5. Jodolph. 230.) 1/2 neiduary legation, when entitled to adm " jut sup ") also dias; his next of him, not lesta" must have the admir femb. (Todolph. 230.) the Todolph. Theaks only of an ex. who is universal legatary, a rejutuary legation.

32. Ex 12 4 Admin grand admin to fuch person, as he pleases (as he Who are entitled to e Admin might have done to fore flat. 31. 16 w. 3.1. the person, thus appointed, may now, it feems, to a proper 1.31. adm 1/2 36.30s. Plow. 278. Sovela. 5.) His before flat 31 Elw. 3. he was much an attorney, or few ... by the ordinary (laste 2 Bac. 413. M. May. 497... - Or, in this cure, the ordinary may grant letter to fuch perfon, as colligendum tona depuncti, these to not make him adm; but a hired of baile, or trustee, to gather their the good fafely, Ho do Jone other acts. Twela. 5. 2 Bl. 505. 2 mo. 398. Hontro . cap. 14 .. When an admi durante minoritate of an injunt is to be approinted, the ordinary is not bound by the flats. on the fortject . (31 8chw. 3. 4 21 Hen. 8.) - For he is but a curator for the infant that no interest or berefit, but in right of the infant. He is not, therefore, obliged to appoint next of kin to testa ; or injunt: (2 Bac. 35%. Forela, 5. Hob. 251. 8 Mod. 244. (Reason more fully explained last page - weint contain him the so in the little for By the state of bonn adm's belongs to the "widow, ou now of kin; "a both;" a, on their repusal, or incapacity, to + to one or more, of ye principal auditas, Some other person," as the court shall think pit. -on their referent Stat. 6. 165. Root, 52. I'On the intestacy of a married mun in conn. probate has the fame power, as the ordinary in Eng. to appoint the widow, a next if him, or both . Ito select among kindres in equal degree.

CX: Foffing Who are entitled Que tan husband claim adm" except as any flanger to Admi. in tenn? femb. not you have forty to the have no flat relating particularly to intestacy of pernes oor; Ino Juck gen! flat as that of 31 Edw. 3. giring admin to next friend nor any fuch us 24 Car. 2. declaring how bands right to asmi; with out distributing, or in any other way? Hustand has been solled "next of kin" in Eng. it is true, 19th, 381) Quad. minum) Franting admir to husband in Eng. not within the words of the flat of Slin & 1 Fent . 219. Let under this flat. hurband was appointed, infor the stat. 29-ar. 2. If an unmarried person dies intestate in Conn; adm! belongs, as in Eng. to next of him; Ithe Eng! rules, as to digrees of kindred, would govern fed nte of extractions as in Eng. 10 2000, 6th 12 20 pare in bonn; his property, real ofursonal, belongs, by flat to the Mate. Even to is Probate are to appoint condition by from the property to take charge of it. Wis from from to extend to real estate, as much as to perforal - But he cannot fell either, it Jeems - this must be some by the treasurer of the tale .- Adm' is to take charge of it I deliver it over to the surgerier. When an exi in bonn rejuses to accept for to give bonds, adm " is to be granted, as it is, in the first case, in ling? But our law, in this cofe, differs from the Engle as to the performs to be appointed. In ling ordinary is not tours, in Just cases, by the Stat! (Jup. Sante) but may in Just cases, by the Stat! (Jup. Sante) but may

3 t. Ex w & ydmy grant to refiduary legater. Here, admin is to be Whe are entitled granted to the "widow, or next of kin . Ion their to Admi "repufai or incapacity, to one or more of the "principal creditors;" & on their regular, to any others, whom the court shall think fit: Stat. 6.163-4. (after notice) Genally by our flat of \$17 per month for ne-glecting, after Il day to appear I accept or refuse & Toame penally for month, for neglecting after leve months, to take an inventory after accep-lance 1/08 lat. 6. 163.4 . S. Bry, of a porse cx; does not appear before the ordinary for being fummoned to accept or repuse; he is excommuni-caled . [2 Bac. 413-5. Godolph. 80-141. 2 Thow. 252. Hendu 3 but of ... (living any part of you put und min!) If haven itting of an adm's dies; his ex w we not adm's to the trust of the the indistate - admit must be appointed und (Severa. 6. + de bonis non Menter. c. 14.) de bonis non (2 Bat. 33. 6. A. 1.85. + de bonis non 1 Bt. 506.) The admit cannot hammil the of progent + there are tried reprose in him, to another; because he has no int personal: except what he derives from the cretinary - The front the cretinary - The first, there for, acfulls to the ordinary of Swinds 390 1 Rell 467. Galloiph. 230. 16cm. 131. To, if admi dies; In admi is not admis to the first intestates For there is ne privity between fecond adm? I first intestate (2 Bl. 31 bil . I can have no adm?

Ext of office: Jummittin unters one is appointed on his whate & the The I'me admir is appointed to above the effects of the first hust of Ex to 4. + The about of chi de rors on dieth, it my thing at wait to de admit, is not, therefore, admit to A. (Linite.) the to on, this But the extry its on fre As having moved the will continued series is the extra 1 60m. 251 for the power of an succession ext how of an succession ex! how is founded on the appointment of the doc! I con remote Por this appointment is founded on a special confi dence in the ext 11. 4th. 460. Pr. th. 179. de may Therefore, transmit it to any one, in whom he has equal confidence—i. affel he has proved the with. I Roll 907. 2 186. 500. 1 Lean. 27.5. 1751. 243. 0/f. 12. 257. Suph. 404. Com D. offine 18.12. (during of life of 18).

If I de leaves live of a A. A.B. 9 . I die he cavery 6. # But not otherwise; for there can, then, be no legal proof of his executoship that. his er's during the tipe of the 6. is not ext to S. S. 907 2 Bac. 380-6. Sal. the whole authority furvires to 13. But, if after 355. By 572. executors hip // Roll. 305. By. 372. J. S. 1 2 Bac. 415. Saik! 311. 2 Bt. 506. Jail. 12%. get the admir of , 13 cris is not the representative of A: for the admit in this case, has
no relation to A. - no privity between them.

[1 60m. 25h.) - The admit is commissioned to
admit the goods of As extends not those of A.

The original testa (2 BC 506. o'o'dolfit. 236. 5 to. 9. 6) - Therefore, admin file bonis non cum testamente annere port) must be granted. 12 Bac. 385. 6. Vaugh. 182. 1Roll. 90%. an er the latter is not ess extremed gog. 2 Bac. 3.86 Salk. 305. Dy 3/2. 2- His affirment if it a. i. o- CAS ! Keen In hey.

36. En y. Idmis 2: 1 Chu: Franchiting. If I. J. Teaves A his ex 4. 4. dies leaving B. hust of Ex 19 4. an infant his ex 9 & admir durante minoritate of B. is granted to by b. is not the representative of J. J. 2 Bac. 381. Cro. Bliz. 211. 466. 246. Whenever, therefore, the course of representation from ex? to ex? is interrupted, by any one adm I all the goods are not administered; admin + be bonishon, cum must be granted of the goods not adm? by the first ex? an alim 12 Bi. 506. Hy. 225. test annexo, I Adm " de bouis non, may, like un original nom? be special - i.e. of contain specific parts milled to others. (2 BC. 300. 1 Roll. 908. dich. 36. The ordinary may, ex officio, or at the instance of · Manne - of proving wills. any party interested, cite the ex- to prove the will - Recording to Jome, the ex's may be cited at know, whether he has a legacy left him 12 Bar 413. Godolfer OD.) In low it is of the delity to appear relundarity, within 30 days after told to reath, if prove, or refuse i.e. when he knows of his appointment f. dute, 34. The orderary may figurate lesto is goods, till the will is proved to Bac. 1103. Sedelph. 03.

Froring wills.

If it he ancertain, whether the lestor is alive of dead; the pact is to be judged of by the ordinary by those is good prefumptive evidences of his death. The will is to be frevel; by if lestar distant parts, I com? fame is, that he is dead. I face 113. Sodolph. 81.2.1 But if the testar is tiving; the Jurbate is void at initio - the ordinary having my jurison femt. 35. R. 129.31.

"The time, within which wills ought to be provide," not fettled by any precise rule in Enge It is left to the ordinary's discretion: "But, regularly, it ought to be informates," fire I fupper pose, the existence of the will made known to the proper officer, within four months from the death of testar (2 Buc. 463. Sodolph. 61.

Two modes of proving wills in Eng. 1.

10th In "come form" as where the ext prefents
the will, without citing the parties interested, It
dopofes himself, that it the "time, whole Hastwill of the lester" the judge, upon this,
proves it: [2 Bac. 413. Godolph. 62.

Shis is formationes done, where there is no
centest.

2: "In form of law" i.e. where the next of him Swidow ar cilled to be preport, & witnesses are carrined. [2 Bac. 403. Godolph. 62.

When ex's proves a will in com, form, he may be compelled to prove it again & in form of law. Yodolph. 62. Secus, when the first probate is in form of law x

38. Ex ro Goddin " Ext bolken! Proving Wills. "Probable of a will in come form may be ques-tioned at any time within Il years next after Secus, when proved in form if law. 2 Bac. 103 Godochh. 62.) It.; continue. Mode of proving wills in Conni- To examine witness, but not, ordinarily, (I conceive) to support of him & the can always intert it Executors The office of ex being private The being named by last inot appointed by law; he may refuse to accept the executorship, in the first instunc Refufal. then admin cum lestumento annexo must be to another. granted. 2 Bac. 405. 2 Show. 252. Henter . 36. Sodolph. 140.) E: EE . But it is faid, that the ordinary may compil the ext to port the will, I to make his election to accept or refuse the executorship the he cannot complet ex's to accept . (Godolph. 61.) will; this he must present it, facust, or refuse. Hat. 6. 163. But an ex cannot assign his office; it being feduciary. 1 2 Bat. 1605. 2 . how. 252. Toll. 41. Nor can he "upure, by any act in pais" as by a declaration, that he will not accept it. this 1. 12. 11/20, 38. will not; alone, bind him - it must be by forme act recorded in the Spiritual count: 12 Bac. 405, Thintw. 37. Mo. 272. Oc. 6112. 92. (In the case in twas holder binding, only that they "deferred" to accept the yet the renuncie

Ex: Ke Alice Ex Prepufal. If there is that one is named, The reputes; com! cum testamente annexo must le prantes, The ex's can never afterwards, prove the will a oct atherwise, as ix . \$ 12 Bir. 405. Vough. 144... A Roll. 907. Ploud. 281.1 (Du. may he wave his repufal, 4 prove the will before when is + His author being supremedia. repufal & prove the will before worn or granted? But if one of two or more co ex w senounces before the ordinary, the others prove the will; the just may, accorde to the Engle law, admit at any time the executorfhip furvives - 1 And he is preferred to any ext of his cook ? For, as the will is proved, " the ordinary has no authority to take the repusal, during the life of him, who proved the will the he may afterwards. (calk 3-311.)- & probate by one entitles all to act \(2 Bac. 405. \ Mo. 373. 24. 160... Hard. 111. 3 P. H. 2 31. Jalk. 367. 7 Mod. 39. 5 60. 28.. g 60.37. 1 Ins. 2 92. a. 6. + · But accord, to the civil law, the commitation is perentary, & continues (Jack. 911, 39. 11. 25%. To, the ex's repuseing, in the last case, may release debts due to lasta; (5 60. 28. a. 9 60. 37. a. Litt. S. 512. 1 Ano. 2 92. a. b. l'array net is an esaction Grought by the others of 60.3% and of which post of Lath 30%. 45. a. 565. 2 Bac. 381. m. 39 6. Secur

40. Exec 20 Le Idm 20 ex. Ha Ada. "Sears, when the action is ag! the ex? 2 Bac. Ex is repusal. 390 .. post. After an ex. has admi he cannot renounce (2 Bac. 405.) So, by the act of administering, he accepts the executorship I determines his right of electing; Imakes himself liable to fuits. (Solothe 141. 2 For 72.2 Mod. 146. 1 Vent. 303. Honto. 38. 2 Lev. 182. 1 Roll. 90%. Gen! Rule: 1. That whatever ex does, respecting the offects of toola". In hich flews an intention in him to accept the office, amounts to an admin for that he cannot afterwards renounce. 2. Any act, which would make a man ex de jon tat, is an aom no I is deamed an have tion of the executorship () Buc. 406. 18how. 91) them to one own use. I Roll. 917. Dy. 166. Henter, 39.2 Bac. 416:50 To taking the goods of a stranger & administering them, under an apprehension, that they are trotators (1 Roll. 917. 2 Bac. 40 8. (Mite, if he takes goods i' lesta's claiming them. as his own.) To, if he receives, or releases, detto due to testa. 2 Bac. 406. Mo. 14. 1 Roll. 917 - 18. Andr. 11. To, if there are two ox! You without the other's come fent) takes prop " of a opecipie chattel, bequeather to him by leotat; this is an aom " - For a legate cannot take his legacy, without the confert + & ligate he it not Law fully take it. 1; ex ? 12 Bac. 406. 100ll. 919. 14

Ese of the But, is the wast, if the judge, knowing that the x hes adm. will, notwiths tarding, accept his upusal, I grant aim! tranother; the grant is good - the ex " cannot, afterward, upsume the if pice . 1 2 Bac. 465. 1 Roll. 90 / Henlu . 40. 1. " Tel, is after aom" granted only liceaufe ex. did pear, on furnmons, to prove the will, the net afrear, on furnmons, to prove the well, the ext charges to accept; he may de it; I worm in must be repealed (2 Bac. 465. Wenter 40:1. And, if after ex has upused, Indmingranted to another, it as hears to the surgestion to another, it appears to the find that x " had adm? before " refusal, I forpland; the judge may repeal the admin I oblige ex? to accept (2 Bac. 16 3. Montes +6.1. If x aprears, & lakes the usual cath (vis that he will justly execute the office & Itd. Ray 363.); he cannot afterwards renounce for the has, by the oath, accepted: (Mor can the ordinary regule the admit him, even the after taking the oath, he had required by he does, a mandames lies, (2 Bac. 403. 1 Pint. 3 35.) Community of inder Jani- him.

42. Ex 25 6 Exit of flu: mode of granting of the manner of granting Administration, This head included the diff of Admin I in what cajes it is gunted. It went be granted, by writing under fool - not by parol. (160m. 263. (dub. by 294. The 408.) It must be down, butteristing, ho sealing of hot Can. S. Ate Indighter sulle Tolk. 119. 1 Thous 408 9. Gotor h. 231. Admin is to be granted: I. When one dies intestate (160m. 258. 9 60.39. It. 31 lile. 3.) Here, the person entitled, by law, to the adm" has a gen withouty, I acts for himself as adm; i.e. not for any that, who has a fuprinor right. day tout real of a true del ort. do. The ordinary may take bor is, for due admin in all cases, oven where it is cum test? annexo, I Com. 263. + Sha. 1137. - The bonds must on taking in all in! It may be granted jointly to two or more unte 30.); It if one dies; the office furvives - Different from come cafe of deligated authority; as a letter of allower to two; where, on the death of one, the authority ceafes - But adm " is rather an office) (3 Bac. 416. 2 Com. 240-26. 2 Vem. 514. 1. 4th. 462. Post 12. Auti, 24.30. Several admine may be granted by distinct things-not by one entire thing, as a bond for I 111 white (160m. 263. 1 Roll 98. 1 Sid. 101. Salk. 36.2 Bac. 416-394. Mente. 12. Sodo Cph. 78. 1 Roll. 914.) - If a person is made ex without any timitation or restriction he cannot renounce as to part - E. S. He cannot war Telv. 113. | Same rule (I Suppose) in case of about granted yene ally

ex of other e Idm" when gra 2. Formary doubted, whether it could be granted effect alt. now fettled, that it may be [1 bom. 263. 4 Mod, , allien + Held to is 14-15. 1 Roll, 908. 6.10. cark. 12. Lovela. 192. 6 mod. withen y's 304. 2 Bac. 415. Ld. Ray. 1871. Beack, 23. 20-12 y = 12 12 ed, when rightful admi is absent from the realm. (18cll. 908. 2 Bac. 415. 3. do, a lempeorary adin i may the granted, while the rightful admit is tan outlant, of in prison. (2 Bact 415. 1 Roll. 908.) To Why in case of outlaw admit (2 Bre. 375. 1 hrs. 128. Le Bac. Set " & talem? outlawy" I she se admin cafe when the assence; impriforment to of the ext or rightful admi. 3. + or other dischility, are un at an end. To, it may be granted, perdente list is will be caje when the dispute is decided Formerly + respecting of pro bute of a will. His case 1 6om. 263. Tha 917. 2 Show. 64. Barnat. 123. 2 8. 11. 576. 2 Bac 415. Lovela 192. ello. 606. Garth. 153. contra. (1) S. To, if there be a dispute about the right of admin it may be granted from the lite flow. 263. These ten vorany adm is are capable of Juing, & liable to be faced, while their authority can tirus. La. Ray. 107/. 2 Show. 69. 2 Bat. 415. Follow 4.

44. Exec \$ 4. exitohom: 6. If the ox name repufes (16 on 258. Plowd. eadm" when granted. 279. a. 281. 1 Roll. 907. C. 15. 35. 9 60. 40. a.) adm cum test: annexo is to be granted. (2 Bac. 386. 4 60. 37. a. 40. a finot adm " de bonis non Ic for none of the goods are adm. Such. 304. 5.] 1. - co, if exi dies, before probate; an "immediate" asm is granted cum test annero i.e. not an admir de. bonis non . (2 Bac. 386. Jalk. 304-5. + Scrip he dies in fore lesta Foll 98-9. chy. 147 of if y'ex. is 8. If the ox: having actually adm. dies we pare a becomes, in-probable; as immediate about in fut sup?) is granter capable Felt, cum lest annero, because he died before he under 99. 226. 35, 2 took the ex to of the will. (2 Bac. 386. alh. 304.5. P. 1.582. 1 Moll. 90%. el, if one makes a with, mames no ex; about is granted as in the last case, 16om. 258. Toll as a Con. It. - Lower B. 2 Bo. 503 4.508 9. But if an adm? dies, leaving good unadmin istered; adm " de bones non is granted. [2 Bac. 385. 2 Be. 306. 1 Roll. 90%. Jo, if ox: dies intestate, after proving the will; admin de Couis non, cum lest & is granted. (2 Bat. 336. alt. 304:50 for here the ex has name in part. When the cx' in this Ca. dies intestate, testa " is faid to die intestate. (1 Roll, 90%, pl. y. (as truster), . I don't de torris non is entitled to all the personal properly of the dec which remains not adm. I Specie: E.S. terms, household gaves H. (2 Bac. 386. Pack. 306. Rinn . 143.) - do, to money rece. by the original of the (as fuch, & kept by ilself for it can be identified walk. 306. So, to dod deblo un to original lesta : If unless y propy in them has been altered by you nig. ex st. But if

Adm ? But if the original or the taken a suning himself , to be to local the state of the such for party when grantes. due to lesta. He; the acceptance of the nets is fuch an alteration of the property, that the note west in the representatives of the original ext. He not in adm. de tienis non. (2 Bac, 386. 1 Vern. 473. 286. 362. 1Roll. 380. m.): and they we assortable for yt hit. By the old rule of law in long, if the original of & had brought an action & recovered judg to & died, without taking ext admi de bonis non could not fue out come, or, in any way, take advantage of the judg to not being prive to it. [2 Bac. 386.7. 9 (v. 33-83. Latch. 140. Old. 29.) Nove, by stats 17 Car. 2. 4 1 Jac. 2. adm? de bonis non may have a fei. fa. The judg! when it is rendered on a verdict. 2 Bac. 386. 1. bellad. 290. ealk. 322. 3. Id. Ray. 1072) (If that on west delt his ony judy: I conclude). 10. If the the be under the age of 1% admir durante minoritate (i.e. till he attains 1) years) must be to he may buy a cont. granted. (160m. 250-258. 5 Cc. 29. 6. Lovela. 192. 3. 38 - 10. 3. tell no

twhe, is west of be granted (2 Bac. 381. I Com. 262-256 3. Nim 155. + who, as next of Kin, w. be intilled 5 Mod. 395. Jalk, 39. - Com. N. 159. Lovela. 193. to admi. - anti, 21.

> e Idm - durante H. being but a curater for the inft ordinary may appoint whom he preases (2 Bac. Ist. Thim 153. Hot. 250. (Inte 32.

40. Ex 2 90 It is laid down (5 60. 29. 6.) that adm " granted du e ddm "
when quanted. ring the minority of an infant extruman 19, determine on her manying a person of full age; as he become interested with her, in her right, as ext & is of age to act. - Donied to be law. 3 & M. 79. I tom. 250. If an infant & a person of full ago are cx; admin durante & is not granted to a third person - for the one of full age may execute the will - & admin to a Wild person is void (Lovela. 193.) But it is faid that the ex: of pull age, may take admir durante to + himself, I declare as cato or aon durante M. 2 Bac. 381. I.Lev. 239: 40. Brown 6. 46. # the hat may So, if two infants are exi-one of the age of 17, the other under, the former may execute the will & admin + illing now, durante of is not to be granted. (Lovela. 19 3. + in state relies ? The older or cannot lake redme durante He For no person, but an adult, carl to admi. B. an infant, his ext & E. is appointed adm: duran he act for 13. who is I. So ex? (2 Bac. 351. Go. El. 211.) There must be an about of S. S. appointed, durante minoritate of B. (Souveph. 230. - ante,

Ex! & Adju! Authority of an Admi. durante 4 add in born . That admit durante min of one entitled to udmir has, for the time, all the powers to you absolute" adm of 16 om. 930. ho authority cited. 1 Holl. 416. But it feems to be established, that an admi, durante Il has not fuch a general property in the offices of the dee! or such a general authority, as an ext, or an "absolute" adm. has For his authority is generally given him ad commodum & proficuum executoris & or, for bone & commodo Ho So, that he is in the nature of a bailiff to the infant extra admit 12 Bac. 381. 5 Co. 29. a. tro. 8 lin. 718. 1 toon . 2 50. 3 Soon 183. 1' (Shefe authorities relate to him home Idenante H. if an infant ex! only but his rower I Suppose) is the fame as that of an ion advante & of an infant entitled to about I'Me authority of an dum He - pro bono of not always long! - It has, to most perpose, ytanthy but hot yt rights of an ex. Get, the his authority is special, he may generally do aid acts, which are incumbent on an or?, which are, in legal prefumption, for the advantage of the intent The estate of the dec. Ex. He may afsent to a legacy if there are other aprels fufficient to pay delts; not otherwise 12 Bac. 381. 2 60. 29.6. Swint 288.) In or? may aprent under any circum flances, the at his peut (3. Bac. 15 7.1. 2 96. 436.

So, he may fue & be fued. 2 Bac. 381. ho. olis . 719.pl. 16.

But us he can de nothing to the prejudice of the intant, he cannot fell the good of the dec except for the puyme of debts which is a caf of necessity) or unless they dress

45 Ex 1 90 perishable 5 60.29. 6. 600. 6lis. 719. 3 Lon. 278. 2 Bac. 381) in which cape a bailiff may fell. 3 Lean. 103. duthouty of an udm. durante H. 16.0m. 230. 2 Bac. 381. He cannot make a leafe is a term, vested in the o year craftion to Bris wile, when the admir durante 4: is granted "generally" i.e. not all commodum there, he may lease a term, rested in the ext & it is goto till ex- attains the age of 17 years, 2 Bac. 381.2. 6 60.67.6. But it is not laid down, that admis even in this case may fell the goods of the deck except to payme of dobts to ut sup a cast fection. Then admi I stevas formorly holden, in some cases, that the may be repealed. ordinary could not; in any cufe, repeal letters of admir once granted. (2 Bao. 410.) he having executed his power. (16 om. 263. Wid. 179. 1 heb. 683. Gre. Car. 45. Ray. 93. But it is now clearly fettled, that admit may be repeated for various campes. 12 Bac. 411. Lovela. 18 19. Latch. 67. 1 Tho' not arbitrarily. (160m. 263. Lovela. 18... I. When unduly obtained : - As 1st If admir is granted on the ground of a supposed intestacy, where of the will admin must be revoked / Lovela. 18- 47. Rell. 967 .. 2. Where, in a cafe of actual intestacy, admir is granted to one not legally entitled to it; as to next of kin to a feme covert, excluding the husband. Here it must

be repealed in para of the husband (Lovela 13."

3 Salk 22. 16 om. 263. Idid 109. - 00, if granted to
a ftranger, when there are kindred, not disquali-When admin may be repealed. pied (1 Com, 263, oath. 38, Lovela. 19. 4 Burn, I 236 Hoo, if granted to next of him, own testa-ments of when there is a refiduring legate 16on. 263. 2 Lev. 56. 1 bent. 128. (Ante, 3. 3. When oftained by false juggestion, or any kind of fraud, it may be repeated 12 Bac. 410. 1 Sid. 293. prize on the ordinary; as when he grants about on a wrong juggestion, the profibly not fraudulent. (Ata. 911. Lovela. 19. A. So, if it be obtained in an inquelar manner, as without citing the parties, required by law, to be cited. I born. 263. 1 Lev. 305. 1 Burn. 6. 5. 236. Lovela, 19.] -(6, if obtained without giving fecunity to account of or within in 14 days. (2 Bac, 410. 2 heb. 64.) Said, in Reb. "15 days." Lained by fraud, in thout a repeal of the first, when admir be ob the 2 admir releases; his admir must be repealed, The release is void . [1 60m. 264. Ly. 339. 6 60.19. a. II. Idm " duly obtained may be repealed, in conse quence of matters ex post acts. - Cx.

30. Cx " &C. If the original adm to thould become a lunalice or otherwise incapable. [1 bom. 263. 1 Lev. 158. 1. Red. When Adm. may be repealed. 373. 1 heb. 946. 100, contra, if the perfor legally entitled, is incapa granted to another; this adm to may be repealed, on the formois becoming capable. Lovela. 18-19. 1 Burn, 6. L. 236. 1 Com. 263. 10 cd. 372. 3. justince of serveation; us by granting a new admin which is ilfely a repeal of Lovela. 19. 4Burn. 1. 2. 23%. 610. 6lis. 160. 10 id . 371. Consequences of Gene Rule: - Where the only objection to an admin repealing admin granted, is, that it is to a wrong perform, the grant is but voidable - not void , It. Ray. 584. Com. R. 96. calk. 38.) - Therefore, if the admir is regularly grantes, the to a wrong person, I is afterwards repealed on a citation, by the ordinary; all the intermediate tawful acts of the first arm are good: as, of health of the first arm are good: As, of health of the first are there is the goods of intestate to another: For this is the heat rice a towful act; i.e. fuch as rightful admir may do. in ion, ... 1 6 cm. 264. Lovela. 30. Eio. Eliz. 1160. 6 60. 18.6. Mo. 396. I 2 Bac. 412. 1. In this case, if the first of we invite admir was a creditor to the intestate, he may retain, Carrie wi like any rightful aon to falisty his debt (talk . 38. firs- srant of Sd. Ray. 684. Com. A. 90. 2 Bac. 412. 1 - But if an about it all adm?, whose letters are repealed by citation, made wida bit letter a gift of the intertates goods by covin, before the 12. 1. Con Inepeal; the gift is void as agt creditors, by stat. when ? so 13 blin. the good agt the fecond adm? 6 6. 18. 6. Lovela. 50 ..

Consequences of Get, (in the last case,) if the first down is for aside Repealing about, on an appeal (to a higher ecclefication) juris diction Foll., 29. 000. 9 Bl. 64.); the intermediate acts of first admir, (income toward the appeal taken, the repeat, I propose 18. v. 3. A. 198) are void. A repeal, on alation is only a not affect the original fentince; but a counter-+ Statutes Gomme Judge Beever, considers it doubtfeet. Ray, 224. 2 Lev. (Sw) 90. Evole the cases in 6 60. 18.6. Ray, 224. where the appeal was after an affirmance on citation) tinge former in your hear merely detramines ye their y; in y's latter, it issting y's from . inton of ye party it muchilates ye with centure. judg ag a debtor of the deca, before the repeal; the deft may be relieved agt it by andita querela /16om 264. 1 Bac. 198. 2 Saune 149. 1 Mod. 62. 2 Bac. 412. 2 heb. 668. 10 clod. 21 389. - Lo, if the debter is taken in extre on this judge he may be discharged on motion (2 Bac. 412. Telv. 83. Bound. 91. linera y tabou to is so gran Like is to be incited ton maner it may be the hidy or improceed. is down granted by incompetent authority, as by the bishop of a wrong diocese, is vid , (alk. 38, Agreeably to the rule, that a repeal upon citation Ides not make used intermediate acts, it has been decided, that if one vies intestate, & a will is forged, how he se it proves, as his will; this probate is afterward revoked protes, all lawful actor is ful as a rightful ex: might do remain good . Ex, I de blow

la tetilms 22. Ex 20 86. Consequences of who paid the supposed ex: is not obliged to pay the repealing Admin Jame debt to the rightful admi: 35. A. 125.) too y: project from lander of I dention of a chop + Alien when venitual, on citation (5.51.) - Foll. 77. 4 parin to is touade winder - brote of a supposed will it a lie But the rule, that after a repeal non citation, all ind has on: for lawful acts out fup a remain gold, applies only to cases It is by in nor actual intestacy - not where the dect left a valid han juristrevill. (1 6 om. 264. 2 Bac. 411. 6 Co. 18.6. call. 38. (cx: E.13 in direct aca. 120. For, if the dec? has left an ex; but the ordinary, not knowing the fact, grants adm " The ex? afterwards froves the will; he shall avoid all meone acts done by the adm: 12 Bac. 411. It how. 411. 18om. 238264. Ploved. 277-280. 2 Lev. 183. 2 And. 150. 2 Son. 72. 18cmt. 313. "For the ext had an interest, which the ordinar could not deprive him of" The ordinary had no authorise to grant admir; for he can grant it only "upon a Bying intestate" the admir is roid. (Butter of feems Hongly to disapprove of this rule, 35. OR. 130 . 1.) Lorda. 47 177. Swino. 380. Salk. 27. Sd. Clay. 1210. * So if dec. left two wills, of which the home was revoked by the latter the exity the former moves it; yet, on the probate of the fecond, by the rightful for, all the mesne acts of the first exitar void.

(2. Bac. 411. Roll. 919. Com. R. 152. (Butter Here for. Juny this rule, 35. 11. 131:1 Goite 2 Lov. 90. 1 Lev. 158.

When the first admir is repealed an citation the author Consequences of by if the pist asmo ceases and the repeal, I walle Repealing am & for all the afocts in his ha is to the rightful admis as also for all unlawful acts, 2 Bac. 112. 20 auno. 137. 16om. 264. But his lawful acts pending the citation, us well as vefore, are gade, o'alk. 55,0 60. 18. 6. Ex. Par in of just del & the. There is a diffe between the of ab initio void, and its the effect of an amount being ab initio void, and of its the first admirace confidence, I may be treated as the acts of a flranger to the may be full as a trespaper. 12 Bac. 411. Plows. 279. 16cm, at ca. 264-238. 2 Anderfor, 160): His acts bring void, stinitio Lie ttez Tot, in the bast case, if aom's has paid debts, liga. ous, or funeral charges, which the rightful or & ought to have paid; the aon " That recover " the amount to paid in Sanages i.e. retain, or be allower, to much in miligation of damages.

(2 Bac. 411, Plowb. 279, Ith. 6a. 126, 1 Vent 3/19.

Sty. 338. 1 - co v. 1.0, us to y. ger. of y. aom. verily of grant of during the rebeat won at. healf, to ifit has have seited; yet, acts down un duch may be taken normon for y Burhose of minguing Sout hope cases, where the aom is void a made it ut sup a voluntary paymet of a debt to the ought + on appear adm's boes not discharge the deblor oven tho'a release is given . The must pay it over again / 2 Bac. 411. Holl. + En! = 12 919. 16om. 264. 1 Vent. 349. [Buller J. contines og ! this rule in case of a repeal of admin of, on the probable of a will; the not, in case of a repeal of any kind upon appeal. 39. A. 130. 1.

54. Ex 13. 4. Exist a fitter. But it has been holden, that if a delter , ay money Confequences of Repeating rown depealing some on a judg! I cxx, to one who is ex! de pacto having the fact in a probab under feat; he shall nove be facto to constitute for the fact to an assure the sail have to an assure the laste to en a judge 2. [2 Blc. 411. 20 Car. 2 in B. R. . 11.55. fix. on 5. 50. 1 the 51. 1 Bac. 198. The necessity of an audila querela? Int. on 5. 50. 1 the 51. 1 Bac. 198. · If after non " granted, a now adm" is obtained by race, without a re al of the first, 4the forme admit releases, this admit is then refeated; the release is void. I bom. 2 64. C to. 19. a. Dy. 339. P. a. except as up & creditors. & to. 19. a. separation humbers of the starten for sure leading. Evide 50. proside a com forging of lot (C. Follow the the the state of the state What acts Ex. As the ex? drives all his interest from the may do before will; the properly to the lestators of leels is violed in probate. him before probate, on the death of lestar Proving probate. + It does not necessary widence of cx & right.) 2 Bac. 412. 2 Be, 30%. Conter, out an Thentic ity, is from. 238. Henter. 33. Pland. 230. 1Roll. 917. 1 Ins. 292. richt Toll. 75 Godolph. 144. Lovela. 173,2. 1 4th. 466.) Hence a plea, that plff who few rock!) has not proved the will, is bat the should be, that he is not extended the would be necessary for fift to produce the probate. Hutt. 31., 2 Bac. 34 b. Sack. 3. pl. 6. Filtis, in effect, only a plia, that peff hus not y. er herspy to main-Then his wit. This evidence of ex is right viz . probate) is necessary, it is fail occarge, on the probate, there is an "inventory of hibited, & other acts to be some, which are for the benefit of creditors thegaters" (2 Bac. 412. Jack. 300 Autt. 30.

Exet of the What acts in may do before probate. to therefore, the ex derives his right from the will, he may before probate to many not, which will be valid. I from . 238, 2 Bac. 412. 13. + Sicaria inc my per men itiosh circumst Wenter, 33. Godolph. 144. 1. - But an admir can account to 1. do no valid act, till letters if adm " grante for he derives his whole authority from the appoint. Jak Fret. 45-13 Bow. A. L. 1. 7. ment of the ordinary. 12 Bact 412. 2 Bl. 30%. Lovela D. 173. Skim. 87. Calk. 303.) - (By "valid ucls" are meant acts, affecting the afsets, or the rights of others - there are indifferent acts, which +80. - 1.10.34. c 46.20%. any person may do. + sall Fr. 40. 7- 1/2 The ex? may, before pobale for example, take popor 34.92 of testator's goods; Imay enter the heirs house if he can do it without bleaking, I take fecurities belonging to lester ? 2 Bact 412. Sovela. 173. Goodsph. 144. 4 8216 19 Howd. 27%. Wonter. 33.: 2 And. 29%.) (But he may not beak even an inner door (femb) for he may not beak a cheft. Loveia. 175.) (aux ut broke, elter with therein Las relation by lines lista's realth follow 14. Ex. 49.913.38. 11. 12.757. 1. Cth. 40. 17. 1. 1.400. 486. of, before probably, he may assent to a legacy: The assent is binding, (2 But 413. Wenter. It Agilitist. + Browder & 1 Com. 238. Bodocph. 144. Oork. S. 181. 18ns. 292. Do, he may pay debts Vlegacies receive debts - give 220226. welcafes & take them (2 Bac. 413. Hentw. 33. 1 19. Hull. 31. 1 60m. 238. Ploud. 281. a. 5 Bc. 28. a. 900. 39. a. Lovela. 174. 1 Ins. 292. The 45. 15. 15 But if one, entitled to admir should receive debts & give reliafes, before admir granted; he might after obtaining aonn, recover them again ; for the right of action was not in him. (elle. 119-126. Swint. 281. 560. 28.a. - - - 10 methy Till in the a ten . Do . w. ten.

56. Ex 13 4. last fluis What ads Ex. may do before + 62 2.14. probate. To, exe may, begore probabe, fell, give away, or otherwise disprofe of, the good of the dec? 2 Bar. 113. Lover 174. Hentw. 34.5 49. 1 60m. 238. Plowd. 280. Views, in 7. C. 4 5. C. C. X. case of arm, before it then & ather interest. I do, if a bone of losta! be conditioned for payment at a certain way, which happens after wola's death, but before probabe; it must be paid, by the day, to ex or, at com: law, the penalty is jarfelled. [2 Buc. 413., Winter 34. Lovela. 17 t.) - So, on the other hard, if the bond was made by lostate of must pay, by the day, tho' before probate, or the perfeiture accourse. Lovela. 174.) - (Now, by state of the penalties are aharmed in courts of law, on payme in court of the principal, interest & cost. [2 Buc. 113. 346. 691:2 + in most ca: ulice-chas. Intered, of person name Ex., is fuid to by a complete or's, to full purposes, except that of beinging actions wil is fuel, that he cannot bring actions topoce probate wath. 311. 5 to. 28.a. Plout. 273. 6. 250. 6. 281. a. Sovela 177. S. 9 60. 39. a. 11 60. 52. a. Inv. 292.6. Wenter. 51. 1ello2. 213. 2 96. 146. Godolph. 145. the of the concentration of the second of th Ex 35.000 3+ Bunne, in dularing, he must make proport of it. But, were this restriction is to be to here with two important qualifications; indeed, it feems to be in accordely experiped holds only in the; in with he sues, as ix! cafes vir the actions of debt, I other actions on lester " contracts - I to fuch actions for torts, as account in the The life time of testa, Lovela. 17th.). Therefore, he town the former, before probate, maintain trespass, hover, # Lovela. 174. reprimin It. for injuries done the afsets after testa?! 15om. 238. 46.33 reprimin It. for injuries done the afsets after testa?! his own hole " 2 Bac. 413 - 141. Wonter 35 50 Land.

He may, interes, in these cafe, maintain an action is What acts Ex : may do before his own march, without describing himself ext. (Lovele, 174. 2Bac. 413. Forth. 154.): Vifte a propert of allers testamentary is not necessary. (2 Bac. 441. 6.1100.92. probate. + indivision 18h. 62. 3. 2 Keb. 663 is the may however, me his of the pacity, de to many the tree to be to the + but lot me reflect hope in court where ing a call 48 utun a im outin, 2 in Ista sounth But an hour san his right - bifule brown Careful for y terito De Ist. on he will to be y he was suit delant prode for no be her i mit her by: But + I I sha suppose, ou but ythe cannot recover, withou ha prob! and so is claw), 4+ rule . 2 Saund. 47. k. 2 Ch. St. 328 (n. p.) 'ev, before probate, he may distrein a avow for rent, when a revusion of a term for years comes to him from testa. I rent accuses after testa is death - tecaufe the unt accuses after the reversion is vested in himself. Jack. 302-307. Lovela. 174. Went. 370. Moll. 917. 2 Bac. 1113., 1 Com. 238. Jecus, if the rent accused during testar life. Is, he may musictain actions, butice but, in his individe capacity on contifficial with himmen forther tonas dente - (r. is in a fine of in in received in the stanger.

+ In y tright by mother, a ter mente of lasting of C. 48. If the 35,7. Inut.

Hack can read to be and the total of the office of the stanger. such cai remyto, before probate, he may maintain debt if on a rugly to wine to fall of testalois goods by himfelf for here the contract is his, not testare (1 Com. 238. Lovela. 174. Wonto. 41 52. 1011. 48. 3 x. 357 his of to into the Country 13 - Joseph John . With respect to actions of debt, bother advised on testa: contracto Mut jup : 55 t is not true, (as laid Town in & Co. 28. 9 Co. 39. 40) that ex's cannot before probate, "bring" an action, sun in these cafes. It is clearly agreed, that he may in these cases commences an action before probate; but he cannot maintain the action, or declare, before probate: His writ may mut thinke a bear teste before probate - Sufficient if he produces his letters Estamentary, at the time of declaring, when motor tof letters he must make propert - (These remove the impediment at initis), 2 Bac. 413. Moll. 917. 1 hom. 2 38. Thinn. testamy in Ki declar ? 29. I Lev. 58. 1 Vent. 370. Ray. 481. Comb. 371. e ack. or y! best when a autid, her coloties 2 38 1/210-707. With an 12485 21280.

58. Ex 2 %. Je Hathen! there are ferrial ex? they are ocemed, in law, but as one perfor funte) representing the looks? Then interest is joint, entire I indivisible 13 Bac. to 14 25 och 359. Stack 2 43.612.20 395. 1 Com. 240. Godolph. 134.)-1011, 78.130. 259. cheph. 404. Com. J. Stowny. Therefore, it is a gent rule, that the act of one is durned the act of all. Hence, the population of one + 12 m 16 6 is the possession all - a fale or gift of the assets 20563, by one, is valid; being regarded as the contract of allfor vieuse by one, of debts, actions He is binding. 2 Bac. 395. Lovela. 21. Swind. 318. 160m. 240. Wanter 95. Jude 1h. 134. Moll. 924. Vy. 23. 6. Gro. 12. 347. Vori. 309. 11 - Ex. 05. Com. D. Fluis 13.12. Jo if one grants all his interest in lesta" term for years to a shanger; the whole passes: For each has one entire & indivisible interest. 2 Bac, 395. Dy, 23.6. Godolph. 134.5. Loula. 21. - So, if one release his part of a debt due to testa : (Todolph. 134.). Different from the cafe of joint-tinants: for each ex: is property of the whole no parts or moieties, in their poss of his co exis nothing papers by the grant : For each X fore seewith remain was proporfied of the whole, before . [2 Bac. 395. Godolph is the was be - 134 ..

60 €x 10 So, one or : cannot have an action of account, por the profils 1/18 By. 28. 6. Godolph. 135. See Free. of La. 26. (mpst. - But exis have a right to please different please. (Indoeph. 135. cont.) . Therefore, a warrant if alternyou + aliter, one o you might in into confess judge agt all, is ill the judge were ac youther, to down to confess judge agt all, is ill the judge. were ac extrat, buddening fet office on motion. [160m. 240. tha. 26. 1Rell. 929. 2 Bac. 39%. Atat. 4 Am. C. 6. But one of two arm cannot make a valid wieage. nor convey an interest, jo as to bind the other: Both must join. 100m. 240. 1ath. 460. Lorda. 21 For the authority of admit is entire & joint This rule pormerly dec 2020 261 doubted Todotph. 134? There we with which is in the Jud que. 2 Vis. 267 Al. 406. Godolph 124. "Exception to last rule, when the admit may justin their own right - as in tresport, declaring on their our posts: Here, they are confidered as principals, not as reprejentatives: Honce, one may release the right of action (1 att. 462. If one of two ex? dies; the power furvives (Unite, 2 Bac. 416. 1 Com. 240. 1 l'es. q. 3 c 4th. 50g., de in cafe q admi (Ante, 160m. 263. 2 Bac. 416. 2 12m. 514. Salk. 36. Lovela. 21. 12. 1. 7. 13. Said, that one ex may compel his co or to account with him, in off for a moiety of the effects. (2 Bac. 396. Sid. 33. 2. the exi are made regidenary legaters, one may for the other in the spiritual courts, for a moiety for he character of a legate. (Godolph. 135. Wonte. 49. 2 Bac. 390. 1

60. Ex 18 H. 25 -022. to Ex us den! Aute: line ex's is not chargeable por the wrong of his companion; I is no parther leath, than for the afsets, which came to his hands. (2 Bac. 395. Podocph. 134. Wonder. 100. 60. 862. 318. 6x 22 Got, if all the ex: join in giving a receipt for the providence money, actually rec? Gone only; all are Gable, at the thin the law, to oreditors, as if they had all rec? where is ruism. Cinble for the whole of Bac. 396. Talk. 318.

2 2) to legares, cours, in Got them, the actual receiver only is it is aim; bratte for receiving in the fulflance joining in the joining in the fulflance joining in the law to the secretary to the fulflance joining in the law to the secretary to t liter inla in fac. of curios. 1.1. 484 al. 315. 1. 2. 241. 29. 6a. 3, 8. 2 Time 500) and get whether you there were the thought have in for of lega tes, Fort 484. 2 Broth 17 Pet 243 12. 1100.81. the rection is all the ext make but one profor in law, they are, there by co-regularly, all to fee the full of Bac. 396. todough. 134. housely yt Menter 93. 15. A. 365. calk. 30%. 9 60. 3%. Interpose one - have not universal, as to suite after multiling is the fact of the state the line of of an action be trought agt one ext a plea, that another is a ex: without avening that the latter has arm? is ill - for if the co-ex: has not aon; pliff is not found to know that he is ex: 2 Bac. 39 b. 1 Lev. 161. 1 Pid. 242. · But if one ext fues alone; it is fuff! for dept. to that he has aom! because the fact is not fighposit to be within his cognizance (2 Bac. 396-381. .. - In actions by exeall must join, the one has not proved the will or is within age or has when for the ordinary. I caund. 29 1. g. 9 60.37. h Delv. 136. Honlw. 93. Palk. 3. Pre. Dec. 26.

ix! it of din! Co- Crec is . If an action is hought agt one of found on the dow not piedo the mistake in abatement, lofes the advantage of it. 2 Bac. 396. Carth. 61. ag. abotement only. [1 Saunt. 291. g. Felo. 130. If, in case of two ext, one repuses to accept, of prospecute; yet he must be named. [Sath. 307. 960. 37. Jodocph. 134. (unte, t. 5 th.) There must be furnmons & severance. The object of furnmons of feverance is to prevent the ext not acting, from accepting - the offect of the furnmons of is to take away his privily to the funt, to make him no harts. (2) Bac 396. 2 2 Bace ad the to at 101 party: 12 Bac. 395.7.2 Roll. 98. Wenter. 96-104. Mrs. 139. 610. 6 lis. 65 2. Hutt. 128. while in the popular of one of for the goods of lestar may fue for it foodolph 134. Wenter. 104. 2 Bac. 397. n. 1- for, hore, he need not fue as en; but on his our pefor - Du. Holden contra, 3 Leon. 209. 2 Bac. 399. for the profest of one is the poper of both. See 1 atk. 462.); But 11:1100 only 2 + "lecas" - craciet par as they act or are traded on ex. la est this been wired), Ex a de fon toil . Fall . 37.304.5} any authority from the die?, or the ordinary, does fuch acts, as belong to the office of an exist Foll. 354-8. go. 1 bom. 264. Lovela. 51. 25. 2.99. Thentw. 171. Judolph. Pors. 4 137 172.2 6.507

62. Ex 1 4. - x to price: In general, any unlawful intermedeling with the afsets of the bed will make a phanger an existe. Ex " de jon tout. Fdc. 328. Ion lost 2 Bi. 30%. 5 60. 33. 6. 34. Wenter. 171. Iff. Ex. 172-+6 E. G. Jaking poss: of assels, Geomerting them to fett IF his own ife - paying debte out of the afsetsreceiving offing for debts due to the dec? - I, in gon! all acts of acquiring, transferring, or proportions the assets: 12 Bac. 38 7. 1 avel. 918. Dy. 105 157. Hob. 49. 5 60. 33. 6. 34. a.) - Value of the afsets taken It not material (2 Bac. 390. Dy. 166. 6. 2 J. R. 100.) _milking IM. 38. Good So paying togacies out of afsets taking a specific togacy without exis about - a hay pleading, is hen they have find as or any other plea than ne unques or for, hay action by any other, the acruits hamfelf or [2 Bac. 357.

had as him: good get. gl 2. Thoules 17th I Roll. gl8. I bom. 264-5.
25, I so, the widow of the decl becomes ext be for tout,

by taking more appared than is convenient for

her deque. [2 Bac. 387. I Roll. gl8. I tom. 265. + 64 les 1000 Ly. 165. 6.) - If one phange takes profor of the affects, & delivers them to another, the latter is existed at for tot. [25. R. 97. + 2. time sarol- By flat 43 o'les. if goods of the inteflate a signature best fraud, to the short a relate river (by the many proint proud), of a debt; The down a relate, is er de transforment for tout 2 Dac. 387.8, I bom. 265. be blis. 406that bring 811. - If ont in ter meddles with the afsets, ever a rightful in purposer of directions from the dead he is an ex? est on a tin., de for tost. (2). R. 97. Tall 80 Son um such direction Count control of law who regulating atmit of of white.

So, a franchise gift toy de? himself, will make done tox: de fon tot us to areditors from the Ex " de fon tout to taking rost ifter necessity of the case: not, as to next of kin, Tonois dock, legatees, ex? It for it is you as ag ! thern . .. (In this cafe, if in any, whats, or o de for toto may be in bonnt. poft 2 Bac. 665. 1 Roll. 5.19. Jel. 19%. Co. Jac. 271. 2 J. R. 59%. But one may so many acts, relating to the effects roll. 40. 6 2 x of the dec. without making himself ex: do son 174. lat. 6.5. feeding or taking care of dece cuttle - paying debts of dec? with one's own property money repairing the buildings, when fuffering for want of repairs - providing necessaries for his children (2 Bac. 388. 16 am. 2 65. Todolph. 94. 2 Bl. 50%. Lorda. 51. - There being a con the mi were or de la reil. y a poit . The 40 the Ex 174, 4 horis 216. is, taking the effects under a claim of property, unless that claim is merely colorable - mere. artifice. [160m. 264. Dy. 166. 6.] - for how his down the fort only as not undertake to act as en 4 (1 Root. 104... sorts a right Intermeddling with real colate does not make in his intimed one ex a de fon tort. (one in bonn. (Id.): Oa an Caraceto. low he such has no concern wit y' real este What acts are fufft to make an extell for took is a question of law (2 S. R. 99.) The will of at teast, the true principle of diferentialion is this: If the act if the stranger is fuch, as painty warrunts the imperence that he claims the is anage. Acusch. ofye ment & sisperful of the yests he were de low lot the first decil cafe, the act is such, as belongs to the office of cy " (2 Bac. J.88. . 16. 126. Ly. 166.6.) _ in 4.

64. 6 w H. x: Hotalus ix. de son lort. The foregoing rules, fas to what acts make an ex. where there is no rightful ext on admir- or, to those, where there was none at the time of inte meddling, otherwise air - a after won my writer, come acts of intermediting fas taking proper to converting, ember 751.40 stird will not make one , de for lord: For there is a rightful ox & & The goods to ken after probate, are assets in his hands if in higher the 2 Ba. 158. to his fands. (Sevino. 289-580.) they having with to his fands. (Sevino. 289-580.) the me wrong-ton is cintie, as a trespaper, to ex 30 ante. Wilk. 302 307. 2 Bac. 413-441.); but her to ex ditas: But his lialities to at ninither in theis io a to be ex; tron of a tatferson But if, we after probate, a find person but claims to be in the is chargeable as ex? to for toil, 2 Bac. 388. 5 to. 34. a. Salk, 313. this claim may be intervied (for as to fulfied him) the stand acts, fuch as receiving theying the wind line, the not from com? acts of intermedating, packed to make it was fuch, as me in the nature of com. trespaper) (Till 4") - By curing (Mina tome cal, to be ext, ne practicales times from ringing, we had such. the intermediting is before probate to enfine equ intesting where asme grantes; the stranger internow than taking prison 2 Bac. 333. The is liable, as such, to creditors, unlife he believes over the + a him years to rightful er . To before action brought by a chi de tin 2 Bac. 388. 5 Go. 33. 6. Salk 297 - 313. /Roll. 918. Not exempled bro. Olin. 565. Hob. 49. Foll. 26-35h. 18: 21. 126.

Est of fru! Ex: de jon tot. The ground, on which en to be for took is liable to ereditors, is that from their acts, creditors have cause to prefume, that they are legal reprefentatives; They their own wrongful acts have raifed it 1 25. R. 99. 2 136. 50 y. 12 Mob. 471. But he his no cirt in y' a feet, I cannot maintain An action, 14 ex ! Fole 243.12 More. 472.2 Bl. 507 Fol 300. An ext de fou tout is liable to all the trouble of an executorfhip, without having any of the profits or + bu a crobi advantages of it. (2. Bl. 207.) He is hable to be fuel; as extin but he cannot fue, as fuch Ib - He cannot retain for a debt due to himfelf, as other ox. He may Sh. Tha. 1100 reven agt redulors of an inferior or gree. (2 Bac. 378. 9 390. 5 60.36. ello. 52). Roll. 922. Co. Plis. 630. 12 ello. 441-471. 16om. 266. its to y. dec! (Fall. 360); Telo. 137. 2 Mos. 51.). But if he pays delts with his own money; he may retain to the amount fo paid. [16om. 266. Wid. 76. For yt retainer only learn kin in statu quo. to, if after intermeddling, he obtains letters of alling he may retain for his own debt; I Com. 2 55. 2 line. 180. 1 14. 337. Itra. 1106. 1 Roll. 923. Carth 104. as agt creditions of an equal or inferior degree. In to most by the letters of administration the wrong, togethe that he has no resus; I to ye is fill liable to be full by the marrie of explanation the summer of explanation that summer of explanation the summer of the Vest in him painteges of a rightful adm. Jak. 244. 12 deal. trust & right, 471-2. 2 10-1. 179. 39. R. 590.2 H. M. 20. whother agen! have.

= \$ A122 d 66. Ex 18 86 I will, apparently contany to the east is that Ex: de fon lot. con ex: do fon toot, after taking letters of admin may be charges as ex: & - for, that he that not discharge himself by any thing or post acto. (2 Bross.) oc. Clis. 102 - 365. 56 5 810. 3 Leon 198. But this + Enc 1 /3 3.3. means nothing more, it beens than that even after admit obtained, he may be deficible, in a fuit agt him, as ex: What he cannot, for being thus described, about the writ, to as to other purposes, the wrong is purged 12 Bac. 391. ut aute, 65; An ext de for lost is liable, as par as he has after), he the rightful ext or admi- to all oreditors of the seci- & to ligative of 1 Com. 266. Henter. 257. Conth. 104. 5 60. 30. Abb. 49. 1 Roll. 919. 2 Bac. 391. Lovela. 51. 16. on of trada the ent hand a la ser to the family When fired by the rightful ex . If he is deficited not asex? but as a Stranger 6.9. as a com? hespaper He (2 Bac. 388. Carth. 183: 1. Jack. 2.95. 1 Vent 349.) 1 Com. 256. Sty. 384. 2 Bac. 379.) - But, if extra a adm: is a creditor to the dee? he may bring delice agt the ext de fon tot, with the avenment, that mone of the aforts came to his Hands 2 Bac. 379. Salk. 304. 1000l. 940. Hy. 384. - Firm ix Thin . Think notation of the cred. In actions by creditors, he is named "cx" generally. 2 086. 317. 5 60. 31.a. Jelv. 137. 10lock. 208. 200. 200. 1800. 254. 5 Com. 201. Tell 373 Com. 201. to he is treated in such ca, a can actual ex.

25 teton Ex : de fon toil. Generally, he is liable only to the extent of afsets rect, I as ag ! occiditors, he is allower all payments, made to other creditors, in equal or Superior degree .- Ate may plead pline administravil I give fuch payme, in evidence to Support the Man 2 DC 307 8. Mo. 527. 5 60. 30. 6. Menter. Tso. Carth. 104. 501 364. (as in rish, a tours) But as agt the rightful er: he cannot by pleading fuch payment, bar the action! The plea of fuch payment is, therefore, ill. - Det, on the gent ifue, he shall recoup (i.e. be allowed, in deficiency miligation of damages), the amount of fush pay that 3-10 montes unless, he had the rightful ex with thus tayen provented from retaining for his own debt. 7 2 Bl. 307. 8. 12 Mod Hell- 471. Hondro. ‡ or from be c. 14. - 179-181. Skinn, 274. 5 60.30. 6. Barth. 104. beining one 2 Bac. 390: 1. m. 1 Cent. 349: 50. 2 H. De. 23. rut, blequal (These Campul acts, however, bind the property, The ent de for text is generally chargeable only to the amount of affects rec? (ut /upa) Set, if he pleads ne unques ent to an action by a creditor; he is liable for the whole demand [16om, 268. Wenter, 257, 2 Bac 3an har on e. 60. + for -Wenter. 25 7. 2 Bac. 390. Nov, 69. be. Elis. 472. It is fait, however, that in these cases, where the value of the assels rect is very trifling, the extide Son lost may be relieved in Egy. 12 Bac. 390. 2 Vern 147. 8. I fe pleads, in this cafe, plene adm he fhall not be charged beyond the afsets rec? 11 6om. 2 56. Dy. 166:6.

68. Ex 2 96, exix change Ex! de fon tort. If there be a rightful ex. I an ex. do for love, they To 7-3. may be full jointly or feverally. / 1 60m. 2 66. Hentw. 253 cous, in the cafe of a rightful admir for an ext. " adm: cannot be joined in actions, ind it, hay in Let co-exist, accord at same a heis a west humme valuations were not liable to creditors; the they were in bright # 1 1 1 (16om. 2 65. 2 Mot. 293.) - Now, by flat. 30 bar. 2. they are liable, at law, to creditors, [2 Bac. 391. n. Lovela. 51. 4 Bum. 6. L. 191. Foll. 47 4. Com A. Ath ' An ex's de for lot is mentioned in our flat book. (jo lit. "Estates", p. "Hany poet perfor be shall alienate or emberace. "He Id it farms doubtful, whether in comi cafes, juch a character can exist in bonn. as the proceedings agt him would tend to defeat the average law, in cases of infolverry of which hoft.) Suppose the estate folvent: This cannot be known beforehand. After the on to is preis not this objection. Then, perhaps, fuch a character may exist here, as to creditors, whose claims have been duly exhibited - (as where the time for exhibiting claims has expired - the estate not having been represented infolvent;) - Que whether This can be, before the expiration of 18 months from the notice, even as to creditors within the state. (Hat. 6. 188.) for the time may be motonged by probate Qu. Whether till the expiration of two years, Hal. b. 169. as to creditors out of the State. 2. 6 soups. 9. 87. (Leafing of b. 6. th). 6. in 1946, as to an action brought age when the time from

Ex. 5 Kellin's Chattely_rest that things below to them. Sperionice. in your and a letting the fact it wish, in last can on we grant to but from intestates death be rela Fall. 193. Com. St. Afrant Bio. ii. Co. L. 209. 3 Mac. 17. 2 Roll. His int to rown, is temporary, "qualifica - he taly, in auto front in sight of warment) - In matime of a timber, interested only where contors I dis-Fileting ye profit (Jole. 134 Mound. 182, 19 LEX 87.75. Huma he count for fait it his his own crime. Foll. 134.2 136.177. Stay it liably for his own dicts - swift he has made it his own, by commision in the contraction has decondate - a conjunts to it being laken whis interally an (alien a a) assignment of i.t. (Soll. 134. 11. W. long. 3 Bur. 1309. 1 att. 155. Com. Adm. 13.10. Ma. 293. 47. R. 021. 025 (4). 632.): he both who ca! he ightenthe accountable for it. transmet yt to his own ext - a rather, yo trust devoices my Catter Soit. 135- Plow. 525. of. Ex. 80. The effects in you hounds of an ex. or are cashed assets firespecient !- i.e. suff. to wake him change-All to creditors, begates, or those entitled to distribution. 1. 2016.107 These courses not not only of chattels person . but of clastifical: in termy for years - mortges - 15.40 by stat march to 1 poll. 139. 2' Mi. 385. 3 Bac. 57.58.00.01. 2 2x, 50. 54, 70. Co.c. 276.

Ex! Holow! Chattely- zeal What things vilong to them. Eduranal. To of a lim for year, determinable on ling. (Fort. 140, of 1. 12. 54 So, of crops, growing on ye land of the deel, as Emblimats. in reach by armeral bahour - The affixed to. doch it is heard ats con roots blants, hops, him, ABulifuland heart to be the there is the sur su sulles outlend.

Assign the Bill 150.2 B. 122.3. Off. Fx. 50, 4 Burn & L. 257. Com. D.

Is he, by will Bing f. 1. Co. L. 55. C. 203.2 18.428. fill. do, of metons, taring canot the Foll. 180. 2 182. 249. - Hold 182. 2. 18. 2. 18. 2. 249. - Cont. as to 2007. Ap. 22.02 3. fill. 2. 249. chan. 27 So, of all person converted, in qua! is goods, Prosecul Blatter. money, a little, farmitime, sictiones to. 18th. 110-1.2 BL. 387. 389. 6 2. Ex. 57. To of survey stock) in the field. Sunds , Soll. 151. - So of an annuity, for grantor's life (Fall 179. Com. O. Biens, C. 1. 174. 402. do of manene in a map-in both finad on y: land, doll. 100. 014, 50. 11hin: 175. the of hay also y in qualit when ye for · mof a debtor by inest on tosta's es " ithing a prise to seeme person bruger (Poll. 151. Ofl. Ex. 50. cost to ut in a negro dove of testa's. Buty! that terms to be rather in ye repeterd series youry Low is town of clave Foot , 5: 2 Pointed. Cuth 390. C. 147 026.00-In que however, an exthe no diain idge down of a more down to an adrantice Manis death sind and him whole 152. If Ex. 50. Starus. Marin Hand 1200 Dong 70. 2 to. J. 186417 8 - Cont tiducismy.

Exit of four! Chattely- per-What things belong to theme. Soual. ex. fr. has, by dist law, an infile testa's literary propy: he in a copy-right - so in testa's hating right to an invention (Foll, 152-3. & State The refered to. But not in propy, wir lista ruld in trust for a + A wither, or not west in als in the Toll. 103-4. Sal. 79.) As right being fromciary- the Soll. 103-4. Sal. 79.) As right Charle, it is not det of Segaris. Na to is a form to be decemed a pets of re passer, tite you day of restruption is past. Foll 154 2/31.395.395. Sheph. 498.) - For till them, it is reduse able, at lace. But y' lien paper to your Exite is entitled to yechors in action of duch. hoje, in action. Whether by nearly specially, or simple court! (Foll, 15). So, by stat. 4 Eder. 3 c. 7. to the dawn for treps. on testas goods, in his like line - thy you egy of. State for conversion of you foll. 193. Com. La Atin. 1.13. ALEx. 7: datch 188.) - or for cutting his growing com - or daninge to his close, by wattle (roll. 150. Went 187 - 125 125. (In further ca: ser lov. hopen, 1.26.4 Fall. 15 F. auter 108. Com. L. Adai 13. 13. Cont. 13.1. Went. 176. 047. 2 dev. 20. 01 - Ex. 05.) do to dani agt should, to exape, on testas exa (1006. 159. 15h. Condal Adde 13. 4. - Post, 120 To, in gun!, for my mone, by whatista's person! 114. has seen impaired, in his like time (Toll. 159. do, in all ill such car as a cover, whom y course of action acres of the testa's death, Fol. 100-1. Offite.

Ex ! I Adm! Chores in action What things belong to them - much. . Miles for injuries to ye harm of lista. de _ as for batty- libel the The maximigh such ca; is licitio hustralis hereter our furna (Foll. 100, Laite Is for in injury to you transitione of tester the in for Culting his ten, and the Foll . 10 Went 187. 6 1. 5. 68. Carry of action, acruing before death of ista te are not her se, i bets: Ho've delle or law. when Totleater, ne. (1812. 406.05. 20. E. 43. val. 207) But they me not to, before collection, unles y'er . the has released, the, or converted y'en a in Vous way heads them his own fall. 102. Sal. 207. Shelk. 497) - For they are of no intrinsic traine of may not in collectable, or productive. Aunoped to realty. Ehatters, so purered to ye her hold, as to be History te decide paracolit, do not, regularly, goto we ix? - They be long to it heir of testar. it. (Valle 170. 2 BL. 427 F. Thus, rent accruing on a lease in transition for said thing insident to ye reversion, whise per it dec 19th. 175 72 131. 427. 8. 2012. 47, 1491 die Car. 207 - 2 Sacred. 307. 1 Mark. 145.161. Pay, 218. 2 Lev. 13. So, of The ones con ", by tister to be haid in Luc C. 1966. 181. 8. 2 9.10.172.292 3 S. 221. 1. 2 Eg. Ca. 298. che Proces . Juin borns Eson to his toh, donominated him loons yout to y's or ; out to us him. There are chattely, where negressed as limbs, or appendages, of 4. Janiant 1 Toll. 100.0 BL 427. Co 2. 380

Ex ! Heffin! Neir Loons & What things belong to Them - or with fixtery Me. OB, dur in a back - wollits in a warren a briente hout bit. E. I & Com. D. Bier, B. Mode. + if you este of reduct 910. Aft. Ex. 53.7 Co. 15. 6. 1 Ligging of the an an orte of in hold. harther For they pass winter heritance Afite, it is testar the whose realy they were, had only a flow for years in 4th Cines! His links being the harme, in such ca. Foll. 190.141. 148. Co.d. 8 (h. 10). AL Ex. 53. 2 Bl. 393. hus morning, of all king - fruit hours y whom them, a L'y! testa's death, I genoing gras, is Com to Biers, 4. off Ex. 50 duint. 333-5. do, of hedgy & hunter-for same reason. Toll. 193.01 82.50. co, of things sown, a planted, by lasta, it spill no imedal profit: is y' saids of her, or young his Mot diafred w.t. cm ble ments. (Folt. 194. 5. 2 /31.123. Com. D. Biens, G.1. Co. L. 55. L. Gill. Ev. 249. But his growing on unother's bland, I toit by reserving ye trup by to you they are decount from ye freehold, in both car Tole. 195, off. Ex. 59. Such things / hattels in themere less), as are shoraly affixed to ye for hold, & cannot be der ened without dismembring a damaging it, belong to y hin: as fired chimny him, table, blue her, blum is - Coppers hosty- rails win dows windows shuttersdores locks - Roys will stoney and istifall 1907 2 Bl. 427 8. 12 Alore 520. Mf. Ex. 62. 4 Ca 53. 4, 4 Brown. E.L.

Exist Addas Non sony do of pictions & looking-glasses, if but wh, fixtury be. untind of warmsoot fold. 197. 2 Vin. 508. As between lifson & lifer , my thing unwood by ye latter, for ye purposes of his hade, he way se on, during his int, if he can do so, without enjury to the hee hade - Talita, not now at any rate, after you determine of his int. I Ex. a luman for siging, het officed to you wall. (Toll. 198. Kilw. 80 Off 12. 00.01. 1 Att. 477. Jal. 308. And modern policy has paround you right of sweeten, gow is: So, yt whatever chattely Who amered, can be seathwithout injury toy fahic offe house or soil of the fee side, war go, in gent, to it ex Till 198. And 113. Sha 1141. ix. Faller, fixed to yo floor - grates - in ones clock- cary, however aurexid. Toll. 198. 4Burn E.L. Shof rangings - topertry - bed fastened to 4. cicling - Kiron - backs to chimnies (Toll 198. 4/Bun EL. 256 259. Sha. 1141. 1. Ath. 477. 18.60.94. So, in how of hade, at brewing infiels wats for Legery - Copping - formaces fixed to ye her hotel cider- willy on yo land. 19oll, 198. Sal. 388. Selw. 34.1 A. K. 477. 3 M. 14.16. Co. L 53.(1.5). - su also 3 Att. 15. 3 East, 38. But ancient too traits of borner never of a house, tho not fastened - a louis- stone in achurch cost- armon of an ancestor De follotte gotoys. nein Toll. 199.2 Bl 429. 20. L. 18. F. . I So, of a how in a church, by immunical lesage, Soll. 199-200. 12 Co. 105. 2 131. 429.

Est & Show! 75. Charters wit vester inter-What there to belong to them ta. 12. · 1 Exite me, sometimes in telled to a conting. a executor int. limited to lesta. it is alga. wood. The hat when he is of but not - he dies under y age - hij es! He wise take it fall 171.300. Cart. 52. Com. D. Ely 3. 14.82 Fact. 342. 355.2 Fin. 120 to line face to kind for 18 18 8. 11 Atity, it it had been beguerated & him, into - with alta in the . This we view a county muchent- Jack. 171. Com. D. 3 1/1. 8. St. R. 719. 2 / and 242. since to of the life: in it his existe year - his ex " with to be a rentine, the put withe in A. Sall. 185. 14. 82.83. 1 For M. 374 m. 6. the his deather to de vertor of high her ho and Foll. 160. 1. 52. 82. the go to his ext to real to his man for manger hattely of con-302 45 bring quari am Leir foll. 20: 2. Com. Lo. Biene, C. Flan elling Fr. S. 4 2 65 To. L. a. a. - Y taking my rear broky do it give agreedly to mak sor in the fire has cosos: It count you in sucception, in hick on. Tell. 201. 2. Poll. 5:15- how it wasture for sight do, of an obligato med car ta expiris suc ce sers folk. 202, 4 co. 05. 2 Bl. C. 430-1. Sy. 48. a Aut there will do not apply in : regregate on it were dies that it can of inte Kex to anador their St. A. has sio representationer, real or humal foll. 201. 4 60.05 Co. L. a.a. Com. A hing, on what chattely so to you without it has he Austral Millife. - 1 Foll. 212-233.

in cholam! I stratio causa mortis que hor to de est a hais. Arice to can Sh suntis. int. 8 1 : Nomec 151. 2 33. Min one, in his instiller it then it aprice housin of alternations death, delivery or courses to in deck, to m for another, y' ho but of any reson! chattet, to be retained as donces, in y count of downs deat; y' gibt is a romatio matis cause (Toll. 234.2 Bl. 514. Mr. Ch. 209. 1. 20. 404) Ex. 2 watch sing & In wow such golf there is an important the small yt if down recours, ye propy shall ment to hem did. Such a gill way be wade to sonois wife; as ye proper stone with absolutely with till bounds Meath. Fall. 233. 11. 10- 441. 3 St. 350. There have to a me statused white, a whaty law demes duch in down's life time: Otherwise, y' gift is incoming let (as other more gipts, by land, are) + living y The posse must, there for, be transferred to done, [802002, a he cannot hour fall. 2 33- 4. 2 /4. 431. 19.10. 404. 441.2 Va. J. M. j - This many be done by done, in purou, a by mother, acting miller in ais reder, Ir nequest wit. But wine at actual delicer is in intitle if sil y is hopitie, tow delicy, is done, it is suffit is. In carola ship at ica, de livy de y the of sale is suffet Foll 234.2 to. It 120. - car Bailing & hour. "what is sometimes called to the of a wave done to my a ware done of a wave done to my can how to the stand the stan io of you de ling of you ky of a hunk containing you affects in a sessabol, a the cotter, 44 years. Folk 23 - he Ch. 300. 2 / 5. 441. - 2 15. 1.45. Jeping y highy of bond was he y. subit of such son a the propy him Toll. 234.26g. being conveyed, by y! deling (Foll. 234. 3 of th. 214.2 / 3. 441.

Ex. & Adm. 77. Ionatio Mor. tis cauxà What things belong to them - a not So of bank- notes and tracted as cash (Foll, 234-5-1 P. W. 404. 3 St. 350. 2 Bro. Ch 512. Hite, such of hill of exist, noty facults. They bring required only as we of con 1. 5 Foll. 235. 3 P.l. + So, of vinings contitate ofs que by - t ar-reas of rent. Foll 230.2 Vn. 356.2 Va. 442. 4 Be. Ch. 2915- Fret as constituting them, or ye inst A deling merely syn bolical, is not suff the fitte A six-pence del a, as a symbol, on a gift of other propy 436.442. Toll. 235 2 Va. 440 - St. 431.) Fir it is not a delie withing ta country ung 1 Still lep, a gift by have words. Toll. 235. 2 /4. 444. 2 /4. 1. A present a broberte gift cannot en une, as a don af ye kin a 19ole. 230.2 Va. jo 120. _ St. 111. 4 Pro. Ch. 280): list taken effect, in presenti. . Alita of a haft on a banker, in bosed, yt it was for Bonois mouning [Fall . 235. 1 P. lo. 441. - 2 Va. j. 211. 1. Whether delivy of a mostge-dad may aut to a donatio de of ye mortge- money, que. (Foll. 236. 9 MW. 358. a. 2 Var. 436. Aut. 315.) - It being only collat. security A gift of ye kind becomes absolute, on dono's death (Fall . 230. 1 P. W. 441. 3 Pt. 357. It much not, therefore, be proved, as part of y! Amois will; Kex's apon to it is not muchy. (Facc. 235.2 Bl. 514. 2 bar. 1.120. But it will not privail, (on a defisioney of apit, ag t enditor. (Toll. 237. 2 131. 514. 2 Va. 17 120

75. Ex. & Adm. How a sett may What things belong to thew a not becalie y's 2. 16. man make we effect of took it his own or turs how be some so, by course at on coming into his hands. Thus ready money, left by testi, on coming into ses ex is hands becomes, as they proper in y extension com, actived: As it cannot from its nature of from a distinguised four his own Foll. 239 of Ex. 89. (is not y nearon, at hi is not bound, no expected, to retain y specific morey, as whit: Since other money, of y! Vane home and tis duned to be of printe y. some value.) Henry, testa's cracilor cannot take it on ex ", as Heard! Com. 30 bona listatoris Foll. 238. Off. Ex. 89. Levet 8. Tette by con "8 So, if ix . It. advances his own money in case of the afsets; he may select my of y's perific effects of lista, as a compans thus making y" his own; Providenci is taken, at an adequate price. Toll. 238. Aft. Ex. og. Dy. 167. G. Plow. 185. And if a debt, due to ex. from tista. amo to y' full value of all you afset; they become his one, by ofer of law. In he cannot take you by proup of law as he count see himself. Foll. 239. 295- Plows. 185. To, if he pays with withis our wary, on testa's leave; y' profits of y' leave, to y' and of y unt are his our. 19ste. 239. 1/2. Ex. 90-1. do, if he buys (as he may), testa's effects, sold on Ex " They are his ! Toll . 239. Off. Ex. 91. the there are seriex. It. they are regarded as one individe place a joint on the indonsible insting a post- which; my chath of one vitien y during boll 2 43,0 f. En. 259. Shiph. 454. Com B. Adam. G. - anie . 58.

Ex de Adm at a lefter of an live in however in the toods of the wish listator as the first by the first 143 of Ex-259 Lyhep. 454- (Ante, 35 La hater in the apels, and can there we main from no action in more 471-2. that if he takes out administra-tion it will, to mast purposes, qualify the wrong, and west she same intack in him, as in other admines-Trathes, Toll. 244- 12 mod. 471-2. 2 Vent 179 3.4.R. 596- 214 BE 25 - aute, 50. it com law, Off Ex 139 - Tall 258\$) 1. Finnal harry the - 2. Belly of record - 2. Bu freealty - 4. Buttings. cont. Lets to the to proper to retain a debt + as ag tout of 2 Bl. 511- 3 th 18-19- 8/1 Ex- 32 142.148-1 Logacypersonal property, by will: I all persons are capsable of bling legaters with some operated are expectate at the Law of by Statule-- lee, from her husband IBL 442 Co. Sit-112. Toll. 300): For y's legacy bars not take offect, tile en chilimenica by he death be a lega tes. Toll 300- 10 mm 342. 10 es 115-2Brothy- 320- j: Bung in eft for y. Francist othe purposes.

Cywy e daw - regards mud to in Rober, 42-67. For conding in-Gent & She-& Specific 2 Bl 512 cific. She former expressioned as are been inated to grantity, (Joll 300) Ex. Beginst of a contain + watharet Herther les-Jum of morey or of such a properties of testas distracion -As I. When to a content, the as to be distinguished from all others by as to be distinguished + y begins or horse, 12 Bro-Chy- 119. Jell. 301-2. A where a chattel of a certain species is bequeathed, without migles ig nating any one in particular, it I gue a house, or a wing- 16. the delivery of the iscentical subject. The latter may be, by any chattel of the same find Yoll 307 2 you b. 374" + Fanswering yt disciplion is a gerlerak premiary legoey. 11 ves-Court are generally retue land to on Stree legacies as specific; yet of the intention is elean, to give a offer cific legacy; it must take offert, as such, fe tout 310. Toll 301-And even a preumary legacy may, under cir anna stances, he specific-G- 100. L in such a chest- or 100 4. in the Lands of A. 19 oft. 301.2. 15 00. 1= 384 -

Ly s y e Ad me deques. 81-So it a heguest is made "due nom I I on account or of a debt toke you & Shecific. by such a honding of the lestatows stock in such a pund " Vall 302 1321 298 3Pm 384- 2B20 Chy 125-113-114-Lee also 2 Pm 3300 sm bl. 555- - For it is dislanguished, by you description, from all youther offerts. tes tations personal property, "in the town of a f" (Pre Chy. 392. Foll 302. 2 Ver, 1688. · To if the begrest is of one talf part of his stock in a particular found of his stock in a particular 2 Fould 374 1P. Mr 540 2 An the other hand a more beguest other chattle is a general legacy. Ex. 100 & in cash or 100 hus held if wheat 11 p mm 540. 2 1 e 8/th 414- 2.000- 562. stock and has not so much at his death, the heguest amount to a direction to the Exton to procure so much, for the legater. Toll 303-Jull 227 I desonal ammities, given lywill, are also general legacies. Yoll 303-22.
3 c 4 11 693 2 2 0 cs. 4/17 2 fou 6 278 - in wit.

Exist a fall- is latices 82 en such a company, is a general legary.
15 ves jo 084- Yoll 303-it est and al issuit is out of be any special bequest. Goll 304) Frytaxiye. at take, only round. To, though the less ta ton should 13 Att 5/2. Foll 304) - For it cannot but when ye y'legate is not in bring. + a legary But if it will would yt in ca. of of; ring first yt request what go to another Ex. If it. shall die to B. - a, "to its ligar 347.3 ach. 572. 580. 2 12 2. 207. 1910 274. 2 1. 321. 316 It given to tur a man, is don't well lake my you don't of one of you living testa. The + But in the will will with him y? Muricial weather the hand in the hand of the state of the sta Expenses to for Line (Foll. 304 160.140. 2 Fer. 456 2 Hoult. 309.

labred + Exis & Jas - acquier regarde de file de for the condition, proporte de condition, proporte de de for the condition is indust, 23 mb 368. All 305 Ested. in future: atte if the begans be given to them 111-1. 305. I Tent 311. 2 things the street of the begans be given age Dollar. 171-1. 305. I Tent 311. 2 thing 47. Menn. 1152. 30. 10. 138. 10 cm. 199. 2 Pent 312. Soll 215. 1800 Che. 119.) - In their cail see in pot with juntil, no until, he attains of me. Louish lon A lagary, whether greenet, or specific; Assul-to. enates louty of inchante justices to tomide Almit organ Santotoll. 365 20.6 512. Co. not. 111. 12 AM. 1998. 13 26. 240. 18.10. 554 296. 545)
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55 ex: Chim. Jaganis. who see of is the thousand wife to from total some in the result of the decision in the set 144606. · pool seghior lives of and in Early in to tare, sid) 131 et a viguest is wante to rece provede it his age 21. it is trusted, when the to to it, with ise her inco. 3 7.1.43. 7. 11.71. 3.25. 325 = In y can't contre de l'enforce un nge; heren! will be suite that to if when he we there attains failings in har wind so ling; but letter the, un les made provette it int. Coll. 19. 315.325. Carth 52, Com. A. Chy 3.4. 2 /ant. 342 350. 2 Ven. 199. 2 Fould. 37 ... h > / then. 402. 3 1. W. 35. It hay alle ut in the sign tes red it a # 10. 25 whole not the 105. 3 to. 17. 10. 2 to. 118. 3- For in such ca. 18 aguan. the venifit, accurring ve fore tare of 21, waren propy out thenpayable at it und of only dea; ty time appointed for payment, was fixed w. reference a year. ion legation disability, as in inft -13.1 But if given to our, at very co 21- 1 of ne that within your root of they ale weight and here no little to the 10 7 # 3.15 2 / wer 342 com. D. ch " 3 21. \$ 3. But frimite i over, in latera, to B. in will to a immene things it is the on de tourist stain bude to Ligar til Intetaction 5 201 - 10 3. 1016 313.325. 2. 11 299.20.2 9.10.4.8 (ch troduce St. G. C.

Condiale. Its to the gen! distinction between you effect of me quein. celine & slibing tonting see tit Contracts - + Kop. 42 If a contin present wh is one by into sitte, in innexed to a ligary; in ligary must, in ye com law, fail. (Rop. 43. Co. L. 206 Show. O. C. 83.17. To, if a priced conta become impossible by act of god - or of testa - or if it be unlawful - or, upugnt toy & biguest. By you cuit daw, yo cough in all you alove car, is void; ye legacy good Rop. 43. I fust by yo com. law; if such condit an sub-Jes; ye ligary is absolute (as in cont. 5): For bring britid; such conder cannot devest a defeat y in (Rope 43. Co L. 200. C. is consider only in terrorem; so y! if there is probable cause of contesting yourle; an attempt to set it aside, does not forfeit you eigan Ikop 49. 2 Van. go. 1 Atk. 404. 9 P. W. 344. 1 Bro. Ch. 108. Alite, if ye ligan is limited over, on hunder my ca. Koh 49.2 Plan 20. call contine in autaint of hamage, are type the restaint curi cam work, top. 50. And igof toy (having a concurrent juint of houra! ligaries, wit ye coolerations is, have (in y: ca. of cersonalty &do far con formed to genule, a, to neat all conden ent (Rop. 50-1. Saith. 320. 1124. 130. 1 Lith. 100. 936. 504. Ex "hat signice I had not many - or lett without coment of

80.€ And yearde holds, whilten yo many no 2 of traint conth is subject or print dist. of hear ? But when you could require mane with Consent to, y' man's with a without, consent, must take place, to best ye legan will. But conding austraing mariage, as to time place, or person, are valide Ex. not to many afore 21- or, not to many at such a place - h such a person - or to many a particular person, ifor good ch : (Rop. 51. 4 Br. J.C. 194. 1 Vom. 20. and conta restained testas witour, from manying at all, is walid - because of that his family way have in his remaining unmanied Rop. 57. Godolph. 45. But in there ca! of could restraing man: que (4 (the plegation is not testa's window) - if yelle gay is gurn over, on how-compliance; y. Ct. of Chy holds yo condu valid - loy ! how complein forfuture. (Rop. 52. 2 Vin 357. 452. 2 ath. 510.1 Bro. Ch. 363. 2 St. 481. - (Cont. 2 ach. 184) "Hale of civil Can, contra (Rop. 52) do the ye residue (not ye part ligary) is they gira our Map. 55. 1 Eg. Ca. 112. 2 Bro. Ch. 431. 403. - Cout. 2 lin. 290. 3 ack 304. But ye rules, making continue restaint of man ! toid, hold only in cai, in to by techiniartical & to have juicion-i c. cai, involving right to permaty only . - Atwee, where agains are charged on trans real est the gues full offert to such come in whether there is a limit a over in hot. Unite cleany wirearonable flop. 55-5. Vath. 35%. 3 St. 330. 1 More. 300. 16.308.9.

at Kolini - zer ourion to ve on you ! w. har wie to great a gran to in they so years the wife in the wither Lyt Junation of a City Let. File. 214. Ch. in 245. 2 3m. Ch. 2. cr. Ca. 200. + Dura S. n. 22/11 1. 185. 2. 6.4. S. - It is he it is at your in of your Butwhere a beautit um of \$100 to felt be equally divided between rimself this inmily - he having inf thillians playin they. whole to kinder held valid - astrono an Morized by through the heavest Foll. 317. 3 Bro. 1. Sifa lieary isto small, in and, to war. what he is to the to they, have in your to sig faction it seems in water. Tail. 218. 2 Mith. 81. Com. L. Chy. 39.5-2 Bro. Ch. 313. 14. Ex. 219. 120. And a heavest among thistory at his describer, - an obviously unreasonable 219. 1 time 50. 2 St. 573. 2 121. 540. Falt. 72. A, y : 3. how de tie v. orig ! wiere Just ca Jole 9 2- 320 Com. 2. 6.1. 44. 1. 2 Tam. Ithe ve ex hour such a harm her make a valid privition, to vito care de l'es in and if each ital is a vacion tian can " hot heardy he wine, a color sole will ?? 1257- 2 Val. 540 15 R. 432 5 Va At 49 7 35 24 16 182.

Ex. Colpus - alguer To whom tobe And were a tilling in factor alloste Steed. to me offer health, will bot mondinate y air it to has veen quilly of and shistell winer. Lucan to a frime cont number in the liver to sha La Suit to isi, he by often to in. Cole 4 click, 192. 320 1 / Eur. 251. 4 Jun. 2. 4. 332 p.03. de the sur wiring de formit de list in a dept he ain toward: had it pot to bez ex? may be competted to pay it over again the forting to die i Soif they were dierrace, a hours to For at rett of h. fur is not the soler of Tothe 310-1 202. 340. 2 St. 30. Co. E. got. 3 Julia. 254. Sec. 1. Lo. R. 73 5 Mod. 59. 12 St. 841. i And he may can release it Sed. · Afour for a c. of egy in ca. In ligary to a wife, will, by way of turpasing tirms, or Minerie oftige to to make a 2 grand he pro tricin for in the Austin 411: p.03-14 fall 220. 6 9.1-630. 38h. 1. 202, 202. 27. 2 18 11 541 2 2.60 - But see Stage 5 20. 8- 75- 2 St. 675. 10 00.5.8. America chilantin diring again, taking a my A record to the till the start of the same Adding it ingreed he was to be the

iz: 4 c. fam: - 200 -- 1 butter to a straight our and yet in in it is a server toligan - Barren on in due ca i to paling for at the chile, were terrete 1000 329 2 For 6. 3.74. ma. 1 2 - 550 2 . m. . . 257 Parch 183. 2 ach. 214 And 325. 2 has a 3023 ? White it is be a with the war in the art. In the the object titles from the re human to - 190 rount served de later mate, on at all 3 him mus the pristorition in accorde soll 322- 33:2 FE 2187 - In yien there is he such presund in agalore. it, if it having in the life. there is in to a timber fait may is supertilled. 33.202 4.401. A it it proming liver in his griender generis: For there is no bresumption, of your com Though is a substitute for youther, Foll 330. The one some of weekly y' when a a ful hortion wongin abolitely dy linny under our like as fail 3.0 3 ho the 12. - it same reason. is I time were a sure to harte as above to the test is presumen to intend some proportion in his formation monds 4. hat to note of his boundy I de the internation of his intention to no Such primitain wist, in benadd me may throws of remetting by est toge faction, to ition on the face 210. 2 At to 000. 2 /ho Ch. 499; - Retarting an egy. (Su Personal Ely o.). · But homer go a corisit, water an accoment a hatin to a dille- the L'entire & ratio or will, interns, too hot repel of her we time There is in but und of forme. Foll. 330 2820 m 224

90 Ex of offini - | deacing Adount times On que of ademption tostas intention + 6.8, 22 dich, or must govern: But on you what amo! to presument, of such intent wither are not all I course Leable Foll. 330 and the and the man in the sector Martice de ferril; the firstinit, outser we give more; by with i hier counting the sun is to be the the the strength one - he File, 130-12 ho. Ch. 110 Pay, 335 10 20777 x 2 # 10 kayable out of such - Cont. 3 Bro. C.C. 43: - 2 Fait. 357 in f. - Sac a foliad. Aun 16. 401. -Burting and vi when y beaut not a therefre chatte ? Ay thista. actors ye from of of so as to vary it from y thereittin in y ture y trequesticade med . Intent pressered to in changed Ex. Agold chain, after Count. inta cup - wood, ohunged into dothshoth " wash into a government (Joll. 932 3 no. Ch. 110. bij the begunt to of bank- stock whiteste 12 tan- 9 sells. Fall. 333. 3 /ho. Ch. 108. Atilie of abter selling it stock he again in simuling grantity, answering you Time discription & dies. Busine plian first At his death, ye term of yo heart apply 5 yes new stock. If part of y' stock beginstick is altered sold by little, it is an adount tion, pro tout. roll. 333. Jall. 225 is if on a debt begins had setta receives - devidend upon to biois bur Burting & le 334 2 300 ch 108

1x 5 4 pp. ... aurani umula tive. Xuncing ham be church intine - i a liga Lea! of y: Rind eis, when he entitle to two or were diffit liga he contradestina how those with 2 organ altino intention touch goran. Holl. 334. 1 Tho. ch. 35%. · Carrie in more repeated -, to ruly one brances 2 16. 527 4 intended to a theme prime in villand with a wind with his: And same them cannot be quin to you · pury hary and Fell 335 Pholl. 392-3 Si when y' same quantity of any thing is bequeathed time, by y'dhive intrum Thate 335 / Mr Ch. 392. n. 1 St. 30 w. 1/2 lt. 424. Alite if une prod quantities are given in difft parts of you Same sustaine : as first \$ 1000 of them \$ 2000. Tolk. 325. 11 ho. Ch. 392. u. - 100 2 St. 521.) - There, are currentertine. So where imaginal, a equal quantity out of fifthents of tista's propyly defet in-Shower G. Fell. 335-1 Bro. Ch. 391-2. w. 11. 11: + grown tigo same perjon 423.) - ta. Diff instrum & disposine of diff parts, & a cigan in euch. These distinctions are founded upon y's supp intention of ye testa? Not-cumulative, if both begingto ap hear pour ye will, to be for ye dance cause; whother gura by one ye some a by diff tim home. Toll. 335. 1 The M. 396 h.) - by where a particular Caux, or rea State their a begunt in a codicil shears to be day a sofre of our in 4. will

Eze of April - Leaving. 92. Cumulation · It where seemed codicil appear the suly a copy of a former one, w. an additions ligary (did (Fall. 336. 1810 423. Miter when and generalized give gen - Live The for some experpentate or, where me man is a segue for ye first favorther for the second lid , In much can they are cumulation if one work a dum in and, & ye other of an amounty Fall. 335 1/2/0.423. 17/19 1402 And extinice it is atme sible, as tour totasin tenting ty begater shit take both, - 2 when what principe? To what me quity? by day we him admissible conally, on both ides). he some ca: a legary, by a debiter to a Satisfaction of ye delt: hother, not - Buy! tind they ge autitor 16point, also ye testas intention much garne ditt. Foll. 1307 Jul 155, 508 2 Foult. 332. fru My a legacy their giera, if equalto, or greater you you delt, is consided as a section faction of it. Foll. 337. 112 to. 409 in. March. 394 2 PM-132. 3 St. 353. 160. 125- 12 2 PM 555) mutea. y. legate annot take tothe. This is a rule of construction - but in many ca! it does look of the folk 337 19.10. 40 g. v.

is " chim - acount 1 a crest To In which the a an extra a continue " lite. 50.08. _ sed vid. 1.10.400. 11. So it legs you we the to you war it was the unin diminution of it 5. 3.3.7 2 5.55.2 an. 478.2 1.11:016. So, il you come is settle court - or pure or a contingency - Intent & juny! with 1 to me. · uned. 5011. 337. 2 Fm H. 331. Az Ch. 394. Sal. 508.2 Atk. 300 491. 2 Pell- 555- 1821. 519. To, if ye begunst applean not equally bene freise witye det, in some one respect their may be so a mondo, in some other. Ex quater Amet but time of payer. later Soll. 337-8 Pre. Ch. 235. 2 Fam. 47 6. 2 Att. 300. Bro Ch 129.245 2 Jan M. 33 h. 2 / En. 635-1 P. W. 409. 4. 32 4 2 10 1. To it at that was sheer upon on open una. being ace - ye caline not ascularica foll 238 19.0295 To it is will was made wifer you ditt way litter continue tation Fall. 338 2 Forth 33:-2 dec. 508, 311-1092 12 049. 3 St. 353. And parol declar is of leta. - ever tila. to making yourill - may be proved, to 20but ye preserve time of an entrusted ontiplaction - though will itself the form white of dech interction Gold 338 15. 1542. - til 3 pir 3.4 (en Ever & forom fely a to rebut

4+ The chere. white was following will me a lead to die tred a monte mentin - it it in a milital que a thise to the interior in the diction in the site of the second distance . -- 335. . S. illust a si illuner in tetting, in Bour hit in the and contitues on 1. 9. 9. Col. as Jas other liquidated delts do. come given it a delitario tista. ytaleto For wester in tiging in a con we required . On viligate of arrived in ear, a horing already in his Alusto to for course, a factificial protact 228. 2 19 W. 128. 84. It testa deportathe to debter, his aid; itis, to a feet a testamy receive of ye dell- topurate in a a a cong. It is, of course about for him in of listas. delits. Foll. 338.308.2 P. ic. 332.3 A. 50. 2. Ex. 29-30, 1 1. C. 83. + Ja, 1: So y. if y' ajsets are deficient y' dell must be he, in part, or in full, as y' Ca large bear i. accorded to y'extent of y'ale fecioney. tratem tot. If there are a feet du the for it diet for the the y lagaring much the cold of engages to the gen to the access that the total the state of the state chatem. of South 374. 2 B. 513): The specific hing good heckened. But a sum bequented in a recommune + wine other gou! i que cius au en titled in co. . . 0 for her un a four my tota is entitle lity! I we y' Jume exemy. Gott. 339, 28 and 377 The lighter from hing a matter of justice & Fin : 48 3. 2 voi 28.

Ex . L. foru. _ services france pursual primary suries and the sure to be to tuto-all his you on to see ye producine one such It st gen! itherere ye latter with hugatore. Joll. 232_ 340. Pic Ch. 2. 3. 2 For El. 377 5% Such must have been book intention. If after cultain one ! bearing, tota ides they, from y'aspectator a simple our y's first, Athere is to surplus; you former shall be pt it yo exchiring a latter. Holl. 340.2 9.10.23. Fund in ca. of a sufficiency of a felt, for the payme of debt; ever of wific legering tough abate Foll. 340. 2 Far bl. 377. 2. 9. 2 19.10:352.16. 403. 2 Farm. 411. If showing person " propy bequeather to tion, or were in parti, is deficient or if partis heeded for delty, y' bequests a late among them Selva oull. 340. 2 101.50. There is legates the prefixed, for most burging to gent me still siable to zisty, touch y latter me let be. If a chattely printically bequeather, is lost a destroyed; ye strufte ligate both bear ye whole los frank of y apite is lost, then, upitally atale provate. spending of refunded in with in hart in where the to a wine of a set for me to the 24, 2 9. 1.3. 1. un. 94. 2 tant. 150.

ix if the - acracio Me fruit de inselle on me lique gour,

l'ore is 176.9 h there ext youther, com rest the and the control of the Refrançais in wh cases with toward y! commette leasen: By welly known of impliesty and their ty concer preserving safe! Myt haven turn invaly, ex. not line, ante, p. it is to yet other, in a.c. of deficioned tentisit antecan, y. y. frend now orig. I will far he was conjudent it fre did. But it ye orige from it shows it have been aficient, y's legate paid must refund to Mu legaley Totale to he was put to by any Compressing because in visto in the seale, shaping And lighter if not bound it referred, it y duit of ex until ye payon is contation Soll 342.2 / m. 205 Ez untis hen her de by not have to her + on sin ca. he way not intally y ! legan un pain : Soll 342. 1Ch. Ca. , 35. in paying y' les the wither of then ca. in compellable to refund to year? a cuditor, as existendi lay in you clause a credition to 12. 942. The debt. I particular equity tring your residue hourt be flato you will regate it any Joll. 342. 2 Bl. 574): Or on in death to his cape. Foll. 942. Cart. 52.

The resition In and ye resident comme to a confidence in the formation for a continue to a limit to a throught the formation of the continue to a confidence, providence to a confidence to the confidence of the conf liquing ty reside legany your plus is interest 102.101 fas if y resist y proby o gou to you to sta's week of heir medic ye rtestar) Jost the is no willy ligate. the requests of militime in leaving later hours of the finaisty year is not sont in any to there y' the of smithy to with he well in we the fine for of we mine swater (Vell. 343. 120. Ca. 201 /2 Cic. 100. 5, 0. 11. 408. - 124. (de permy housen y egy co annual him to " y' hought to letter unaw y' a set insuff for such require; In our mini to gen E ligation and a's esternit: et 10, 11, to 21 ing legacio; it abouten to the beautiful for the series or they prosent and the in- law preferred to him. Anim it is suit in caref de incurrer, orca. inded to Conwednet. Land in a dientaci - in hack ca. he come in wety wither contra have have Free. 3+4. P. W. Jos- O. 2. 1 Because, there no reason, who he sh! super, to a mong of it ext, more yt grother against. I the server is version this to the time to 1 v - 2 . in in a thing sept in decements in our we e. it is not a him hear i for an is a conting next ? Corded, Les Colo about to y " Le timo his fire & more out mutter - Buide alle gacu. afort has be medica, to mainy income to a ligned you say the 4. 10 th 17. 6 of the re hourse.

Ex. Folden: - (Legacies. Toy: Ese: In stricture; his about to his our le aux is as June 10 mit muster. For wit east warm, Toll 345. 1. Ex. 22.27. Com. 2. April "5" | Low. 215. Oft. 2x. 220. This a sout may be exist a implied by our und renets. will 245, Lu. 25. Com. L. form. C. O. ix. By recommeny a run. imiled atte youth que to housell - By nanting, a division it, wat a wortal of it have been girm him by your by appropriation y proper, in we proprit of it to his tur use - te, roll. 945 / Lev. 25. / Coll. 920, 519 - dent. 1 Leon. 2. 5. of by her foring a conduct hust amount ye bequest Ex having a sum, ny ding grande 502.345-0. Plow. 544.539. And in about to take part of you residence ausin ligare, if her afent so to the he yelo hole foil 346. 2 Poll. 2. 155. But it an ext bring legate, lease yt propy, by we name of ex; of amo. To a claim in y taka sily of 12 " roll. 340-7. 1 seon. 215. If gurn expensely for his care to how the he mait act, a exion manifest his intention to do 10, before he is cutitled to it. This is, in affect, a coult. hunder to her dide as regate Foll. 347. 3 Pho. Ch. 95.3 /21. 1. 48. 4 St. 212.18 St. 417 And an ox? , bound a regation, has no breforence toother agatus of ! samo olas. (roll 34? The former rules rula time it you abatem . pre-+ 10, the 4the funding of ligaries hold, as well act a begain, who Foll. 347.2 han. How. 545. 4 quest or march (Continued in Mo II.)

